

1 AN ACT relating to the sale of alcohol to minors.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 244.085 is amended to read as follows:

- 4 (1) A person under twenty-one (21) years of age shall not enter any premises licensed
5 for the sale of alcoholic beverages for the purpose of purchasing or receiving any
6 alcoholic beverages.
- 7 (2) **(a)** A person under twenty-one (21) years of age shall not possess for personal
8 use or purchase or attempt to purchase or have another purchase for the
9 person any alcoholic beverages.
- 10 **(b)** No person shall aid or assist any person under twenty-one (21) years of age in
11 purchasing or being delivered or served any alcoholic beverages.
- 12 (3) A person under twenty-one (21) years of age shall not misrepresent the person's age
13 for the purpose of inducing any licensee, or the licensee's agent, servant, or
14 employee, to sell or serve any alcoholic beverages to the underage person.
- 15 (4) A person under twenty-one (21) years of age shall not use, or attempt to use any
16 false, fraudulent, or altered identification card, paper, or any other document to
17 purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
- 18 (5) Except as provided in KRS 244.090, a licensee, or the licensee's agents, servants, or
19 employees shall not permit any person under twenty-one (21) years of age to
20 remain on any premises where alcoholic beverages are sold by the drink or
21 consumed on the premises, unless:
- 22 (a) The usual and customary business of the licensee is a hotel, motel, restaurant,
23 convention center, convention hotel complex, racetrack, simulcast facility,
24 golf course, private club, park, fair, church, school, athletic complex, athletic
25 arena, theater, small farm winery, distillery, brewery, winery, convenience
26 store, grocery store, drug store, entertainment destination center, licensed
27 APC premises, live music or other entertainment or public facility, or any

1 other business type, as determined by the board through the promulgation of
2 administrative regulations, whose operations allow it to adequately monitor
3 and prevent alcohol sales to minors; or

4 (b) All alcoholic beverage inventory is kept in a separate, locked department at all
5 times when minors are on the premises.

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

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

17 (8) A violation of subsection (1), (2)(a), (3), (4), or (7) of this section shall be deemed a
18 status offense if committed by a person under the age of eighteen (18) and shall be
19 under the jurisdiction of the juvenile session of the District Court or the family
20 division of the Circuit Court, as appropriate.

21 **(9) (a) Any person who violates subsection (2)(b) of this section shall be guilty of a**
22 **violation unless:**

23 **1. Another person suffers physical injury, as defined in KRS 500.080, the**
24 **proximate cause of which is the consumption of the alcoholic**
25 **beverage purchased, delivered, or served, in which case he or she shall**
26 **be guilty of a Class A misdemeanor;**

27 **2. Another person suffers serious physical injury, as defined in KRS**

1 500.080, or death, the proximate cause of which is the consumption of
2 the alcoholic beverage purchased, delivered, or served, in which case
3 he or she shall be guilty of a Class D felony.

4 (b) Any person convicted of a Class A misdemeanor or higher under this
5 subsection shall not be released on probation, shock probation, parole,
6 conditional discharge, or other form of early release until he or she has
7 served at least fifty percent (50%) of the sentence imposed.

8 ➔Section 2. KRS 244.990 is amended to read as follows:

- 9 (1) Any person who, alone or acting through another, directly or indirectly, violates any
10 of the provisions of this chapter for which no other penalty is provided shall, for the
11 first offense, be guilty of a Class B misdemeanor; and for the second and each
12 subsequent violation, the person shall be guilty of a Class A misdemeanor. The
13 penalties provided for in this subsection shall be in addition to the revocation of the
14 offender's license. If the offender is a corporation, joint stock company, association,
15 fiduciary, limited liability company, or other business entity recognized by law, the
16 principal officer or officers responsible for the violation may be imprisoned.
- 17 (2) Any person who violates KRS 244.170 shall, upon the first conviction, be guilty of
18 a Class A misdemeanor. Upon a second conviction the person shall be guilty of a
19 Class D felony. Upon the third and each subsequent conviction, the person shall be
20 guilty of a Class C felony.
- 21 (3) Any person who violates any of the provisions of KRS 244.480 to 244.600 shall be
22 guilty of a violation.
- 23 (4) Except as provided in KRS 244.085, any person, firm, corporation, limited liability
24 company, or other business entity recognized by law violating any provision of
25 KRS 244.083 and 244.085 shall be guilty of a violation and each violation shall
26 constitute a separate offense.
- 27 (5) Except as provided in subsection (7) of this section, any person who violates the

1 provisions of KRS 244.085(4) shall, for the first offense, be guilty of a violation,
2 and for each subsequent offense shall be guilty of a Class A misdemeanor.

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

5 (7) For any person under the age of eighteen (18) years, a violation of KRS 244.085(1),
6 (2)(a), (3), (4), or (7) shall be deemed a status offense and shall be under the
7 jurisdiction of the juvenile session of the District Court or the family division of the
8 Circuit Court, as appropriate.

9 **(8) (a) Any person who violates the provisions of KRS 244.080(1) shall be guilty of**
10 **a Class B misdemeanor unless:**

11 **1. Another person suffers physical injury, as defined in KRS 500.080, the**
12 **proximate cause of which is the consumption of the alcoholic**
13 **beverage sold, given away, or delivered, in which case he or she shall**
14 **be guilty of a Class A misdemeanor;**

15 **2. Another person suffers serious physical injury, as defined in KRS**
16 **500.080, or death, the proximate cause of which is the consumption of**
17 **the alcoholic beverage sold, given away, or delivered, in which case he**
18 **or she shall be guilty of a Class D felony.**

19 **(b) Any person convicted of a Class A misdemeanor or higher under this**
20 **subsection shall not be released on probation, shock probation, parole,**
21 **conditional discharge, or other form of early release until he or she has**
22 **served at least fifty percent (50%) of the sentence imposed.**

23 ➔Section 3. This Act may be cited as the Jordan Bratcher and Chance Goostree
24 Act.