

1 AN ACT relating to regulated beverages.

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

3 ➔Section 1. KRS 241.010 is amended to read as follows:

4 As used in KRS Chapters 241 to 244, unless the context requires otherwise:

5 (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from
6 whatever source or by whatever process it is produced;

7 (2) "Alcoholic beverage" means every liquid, solid, powder, or crystal, whether
8 patented or not, containing alcohol in an amount in excess of more than one percent
9 (1%) of alcohol by volume, which is fit for beverage purposes. It includes every
10 spurious or imitation liquor sold as, or under any name commonly used for,
11 alcoholic beverages, whether containing any alcohol or not. It does not include the
12 following products:

13 (a) Medicinal preparations manufactured in accordance with formulas prescribed
14 by the United States Pharmacopoeia, National Formulary, or the American
15 Institute of Homeopathy;

16 (b) Patented, patent, and proprietary medicines;

17 (c) Toilet, medicinal, and antiseptic preparations and solutions;

18 (d) Flavoring extracts and syrups;

19 (e) Denatured alcohol or denatured rum;

20 (f) Vinegar and preserved sweet cider;

21 (g) Wine for sacramental purposes; and

22 (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external
23 use;

24 (3) (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine,
25 or process that mixes liquor, spirits, or any other alcohol product with pure
26 oxygen or by any other means produces a vaporized alcoholic product used
27 for human consumption;

- 1 (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler,
2 nebulizer, atomizer, or other device that is designed and intended by the
3 manufacturer to dispense a prescribed or over-the-counter medication or a
4 device installed and used by a licensee under this chapter to demonstrate the
5 aroma of an alcoholic beverage;
- 6 (4) "Automobile race track" means a facility primarily used for vehicle racing that has a
7 seating capacity of at least thirty thousand (30,000) people;
- 8 (5) "Barrel-aged and batched cocktail" means an alcoholic beverage that is:
9 (a) Composed of:
10 1. Distilled spirits that have been dispensed from their original sealed
11 container; and
12 2. Other ingredients or alcoholic beverages;
13 (b) Placed into a barrel or container on the premises of a retail licensee; and
14 (c) Dispensed from the barrel or container as a retail sale by the drink;
- 15 (6) "Bed and breakfast" means a one (1) family dwelling unit that:
16 (a) Has guest rooms or suites used, rented, or hired out for occupancy or that are
17 occupied for sleeping purposes by persons not members of the single-family
18 unit;
19 (b) Holds a permit under KRS Chapter 219; and
20 (c) Has an innkeeper who resides on the premises or property adjacent to the
21 premises during periods of occupancy;
- 22 (7) "Board" means the State Alcoholic Beverage Control Board created by KRS
23 241.030;
- 24 (8) "Bottle" means any container which is used for holding alcoholic beverages for the
25 use and sale of alcoholic beverages at retail;
- 26 (9) "Brewer" means any person who manufactures malt beverages or owns, occupies,
27 carries on, works, or conducts any brewery, either alone or through an agent;

1 (10) "Brewery" means any place or premises where malt beverages are manufactured for
2 sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards,
3 and storerooms connected with the premises; or where any part of the process of the
4 manufacture of malt beverages is carried on; or where any apparatus connected with
5 manufacture is kept or used; or where any of the products of brewing or
6 fermentation are stored or kept;

7 (11) "Building containing licensed premises" means the licensed premises themselves
8 and includes the land, tract of land, or parking lot in which the premises are
9 contained, and any part of any building connected by direct access or by an
10 entrance which is under the ownership or control of the licensee by lease holdings
11 or ownership;

12 (12) "Cannabinoid" means a compound found in the hemp plant Cannabis sativa L.
13 from a United States Department of Agriculture sanctioned domestic hemp
14 production program and does not include cannabinoids derived from any other
15 substance;

16 (13) (a) "Cannabis-infused beverage" means a properly permitted cannabinoid
17 liquid product intended for human consumption that has intoxicating
18 properties that change the function of the nervous system and results in
19 alterations of perception, cognition, or behavior;

20 (b) A cannabis-infused beverage shall contain no more than:

21 1. Five (5) milligrams of Delta-9 tetrahydrocannabinol;

22 2. Twenty-five (25) milligrams of cannabidiol;

23 3. Twenty-five (25) milligrams of cannabigerol;

24 4. Any combination of the cannabinoids listed in subparagraphs 1., 2.,
25 and 3. of this paragraph if each does not exceed the identified limits;

26 and

27 5. A combined total of one-half of one (0.5) milligram of all other

1 cannabinoids per serving; and

2 (c) "Cannabis-infused beverage" shall not include:

3 1. Medical cannabis regulated under KRS Chapter 218B; and

4 2. Any type of cannabis or hemp tincture;

5 ~~(14)~~~~(12)~~ "Caterer" means a person operating a food service business that prepares food
6 in a licensed and inspected commissary, transports the food and alcoholic beverages
7 to the caterer's designated and inspected banquet hall or to an agreed location, and
8 serves the food and alcoholic beverages pursuant to an agreement with another
9 person;

10 ~~(15)~~~~(13)~~ "Charitable organization" means a nonprofit entity recognized as exempt from
11 federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec.
12 501(c)) or any organization having been established and continuously operating
13 within the Commonwealth of Kentucky for charitable purposes for three (3) years
14 and which expends at least sixty percent (60%) of its gross revenue exclusively for
15 religious, educational, literary, civic, fraternal, or patriotic purposes;

16 ~~(16)~~~~(14)~~ "Cider" means any fermented fruit-based beverage containing seven percent
17 (7%) or more alcohol by volume and includes hard cider and perry cider;

18 ~~(17)~~~~(15)~~ "City administrator" means city alcoholic beverage control administrator;

19 ~~(18)~~~~(16)~~ "Commercial airport" means an airport through which more than five hundred
20 thousand (500,000) passengers arrive or depart annually;

21 ~~(19)~~~~(17)~~ (a) "Commercial quadricycle" means a vehicle equipped with a minimum
22 of ten (10) pairs of fully operative pedals for propulsion by means of human
23 muscular power and which:

- 24 1. Has four (4) wheels;
- 25 2. Is operated in a manner similar to that of a bicycle;
- 26 3. Is equipped with a minimum of thirteen (13) seats for passengers;
- 27 4. Has a unibody design;

- 1 5. Is equipped with a minimum of four (4) hydraulically operated brakes;
- 2 6. Is used for commercial tour purposes;
- 3 7. Is operated by the vehicle owner or an employee of the owner; and
- 4 8. Has an electrical assist system that shall only be used when traveling to
- 5 or from its storage location while not carrying passengers.

6 (b) A "commercial quadricycle" is not a motor vehicle as defined in KRS 186.010
7 or 189.010;

8 ~~(20)~~~~(18)~~ "Commissioner" means the commissioner of the Department of Alcoholic
9 Beverage Control;

10 ~~(21)~~~~(19)~~ "Consumer" means a person, persons, or business organization who purchases
11 alcoholic beverages and who:

- 12 (a) Does not hold a license or permit issued by the department;
- 13 (b) Purchases the alcoholic beverages for personal consumption only and not for
- 14 resale;
- 15 (c) Is of lawful drinking age; and
- 16 (d) Receives the alcoholic beverages in territory where the alcoholic beverages
- 17 may be lawfully sold or received;

18 ~~(22)~~~~(20)~~ "Convention center" means any facility which, in its usual and customary
19 business, provides seating for a minimum of one thousand (1,000) people and offers
20 convention facilities and related services for seminars, training and educational
21 purposes, trade association meetings, conventions, or civic and community events
22 or for plays, theatrical productions, or cultural exhibitions;

23 ~~(23)~~~~(21)~~ "Convicted" and "conviction" means a finding of guilt resulting from a plea of
24 guilty, the decision of a court, or the finding of a jury, irrespective of a
25 pronouncement of judgment or the suspension of the judgment;

26 ~~(24)~~~~(22)~~ "County administrator" means county alcoholic beverage control
27 administrator;

1 ~~(25)~~~~(23)~~ "Department" means the Department of Alcoholic Beverage Control;

2 ~~(26)~~~~(24)~~ "Dining car" means a railroad passenger car that serves meals to consumers
3 on any railroad or Pullman car company;

4 ~~(27)~~~~(25)~~ "Discount in the usual course of business" means price reductions, rebates,
5 refunds, and discounts given by wholesalers to distilled spirits and wine retailers
6 pursuant to an agreement made at the time of the sale of the merchandise involved
7 and are considered a part of the sales transaction, constituting reductions in price
8 pursuant to the terms of the sale, irrespective of whether the quantity discount was:

9 (a) Prorated and allowed on each delivery;

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

12 (c) Based on dollar volume or on the quantity of merchandise purchased;

13 ~~(28)~~~~(26)~~ "Distilled spirits" or "spirits" means any product capable of being consumed
14 by a human being which contains alcohol obtained by distilling, mixed with water
15 or other substances in solution, except wine, hard cider, and malt beverages;

16 ~~(29)~~~~(27)~~ "Distiller" means any person who is engaged in the business of manufacturing
17 distilled spirits at any distillery in the state and is registered in the Office of the
18 Collector of Internal Revenue for the United States at Louisville, Kentucky;

19 ~~(30)~~~~(28)~~ "Distillery" means any place or premises where distilled spirits are
20 manufactured for sale, and which are registered in the office of any collector of
21 internal revenue for the United States. It includes any United States government
22 bonded warehouse;

23 ~~(31)~~~~(29)~~ "Distributor" means any person who distributes malt beverages for the
24 purpose of being sold at retail;

25 ~~(32)~~~~(30)~~ "Dry" means a territory in which a majority of the electorate voted to prohibit
26 all forms of retail alcoholic beverage~~alcohol~~ sales through a local option election
27 held under KRS Chapter 242;

1 ~~(33)~~~~(31)~~ "Election" means:

2 (a) An election held for the purpose of taking the sense of the people as to the
3 application or discontinuance of alcoholic beverage sales under KRS Chapter
4 242; or

5 (b) Any other election not pertaining to alcoholic beverages~~[alcohol]~~;

6 ~~(34)~~~~(32)~~ "Horse racetrack" means a facility licensed to conduct a horse race meeting
7 under KRS Chapter 230;

8 ~~(35)~~~~(33)~~ "Hotel" means a hotel, motel, or inn for accommodation of the traveling
9 public, designed primarily to serve transient patrons;

10 ~~(36)~~~~(34)~~ "Investigator" means any employee or agent of the department who is
11 regularly employed and whose primary function is to travel from place to place for
12 the purpose of visiting licensees, and any employee or agent of the department who
13 is assigned, temporarily or permanently, by the commissioner to duty outside the
14 main office of the department at Frankfort, in connection with the administration of
15 alcoholic beverage statutes;

16 ~~(37)~~~~(35)~~ "License" means any license issued pursuant to KRS Chapters 241 to 244;

17 ~~(38)~~~~(36)~~ "Licensee" means any person to whom a license has been issued, pursuant to
18 KRS Chapters 241 to 244;

19 ~~(39)~~~~(37)~~ "Limited restaurant" means:

20 (a) A facility where the usual and customary business is the preparation and
21 serving of meals to consumers, which has a bona fide kitchen facility, which
22 receives at least seventy percent (70%) of its food and alcoholic beverage
23 receipts from the sale of food, which maintains a minimum seating capacity of
24 fifty (50) persons for dining, which has no open bar, which requires that
25 alcoholic beverages be sold in conjunction with the sale of a meal, and which
26 is located in a wet or moist territory under KRS 242.1244; or

27 (b) A facility where the usual and customary business is the preparation and

1 serving of meals to consumers, which has a bona fide kitchen facility, which
2 receives at least seventy percent (70%) of its food and alcoholic beverage
3 receipts from the sale of food, which maintains a minimum seating capacity of
4 one hundred (100) persons of dining, and which is located in a wet or moist
5 territory under KRS 242.1244;

6 ~~(40)~~~~[(38)]~~ "Local administrator" means a city alcoholic beverage **control** administrator,
7 county alcoholic beverage **control** administrator, or urban-county alcoholic
8 beverage control administrator;

9 ~~(41)~~~~[(39)]~~ "Malt beverage" means any fermented undistilled alcoholic beverage of any
10 name or description, manufactured from malt wholly or in part, or from any
11 substitute for malt, and includes weak cider;

12 ~~(42)~~~~[(40)]~~ "Manufacture" means distill, rectify, brew, bottle, and operate a winery;

13 ~~(43)~~~~[(41)]~~ "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other
14 person engaged in the production or bottling of alcoholic beverages;

15 ~~(44)~~~~[(42)]~~ "Marina" means a dock or basin providing moorings for boats and offering
16 supply, repair, or other services for remuneration;

17 ~~(45)~~~~[(43)]~~ "Minor" means any person who is not twenty-one (21) years of age or older;

18 ~~(46)~~~~[(44)]~~ "Moist" means a territory in which a majority of the electorate voted to permit
19 limited **alcoholic beverage**~~[alcohol]~~ sales by any one (1) or a combination of
20 special limited local option elections authorized by KRS Chapter 242;

21 ~~(47)~~~~[(45)]~~ "Population" means the population figures established by the federal
22 decennial census for a census year or the current yearly population estimates
23 prepared by the Kentucky State Data Center, Urban Studies Center of the
24 University of Louisville, Louisville, Kentucky, for all other years;

25 ~~(48)~~~~[(46)]~~ "Premises" means the land and building in and upon which any business
26 regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall
27 not include as a single unit two (2) or more separate businesses of one (1) owner on

1 the same lot or tract of land, in the same or in different buildings if physical and
2 permanent separation of the premises is maintained, excluding employee access by
3 keyed entry and emergency exits equipped with crash bars, and each has a separate
4 public entrance accessible directly from the sidewalk or parking lot. Any licensee
5 holding an alcoholic beverage license on July 15, 1998, shall not, by reason of this
6 subsection, be ineligible to continue to hold his or her license or obtain a renewal,
7 of the license;

8 (49)~~((47))~~ "Primary source of supply" or "supplier" means the distiller, winery, brewer,
9 producer, owner of the commodity at the time it becomes a marketable product,
10 bottler, or authorized agent of the brand owner. In the case of imported products,
11 the primary source of supply means either the foreign producer, owner, bottler, or
12 agent of the prime importer from, or the exclusive agent in, the United States of the
13 foreign distiller, producer, bottler, or owner;

14 (50)~~((48))~~ "Private club" means a nonprofit social, fraternal, military, or political
15 organization, club, or nonprofit or for-profit entity maintaining or operating a club
16 room, club rooms, or premises from which the general public is excluded;

17 (51)~~((49))~~ "Private selection event" means a private event with a licensed distiller during
18 which participating consumers, retail licensees, wholesalers, distributors, or a
19 distillery's own representatives select a single barrel or a blend of barrels of the
20 distiller's products to be specially packaged for the participants;

21 (52)~~((50))~~ "Private selection package" means a bottle of distilled spirits sourced from the
22 barrel or barrels selected by participating consumers, retail licensees, wholesalers,
23 distributors, microbreweries that hold a quota retail drink or quota retail package
24 license, or a distillery's own representatives during a private selection event;

25 (53)~~((51))~~ "Public nuisance" means a condition that endangers safety or health, is
26 offensive to the senses, or obstructs the free use of property so as to interfere with
27 the comfortable enjoyment of life or property by a community or neighborhood or

1 by any considerable number of persons;

2 ~~(54)~~~~(52)~~ "Qualified historic site" means:

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

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

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

11 (d) A not-for-profit or nonprofit facility listed on the National Register of Historic
12 Places;

13 ~~(55)~~~~(53)~~ "Rectifier" means any person who rectifies, purifies, or refines distilled
14 spirits, malt, or wine by any process other than as provided for on distillery
15 premises, and every person who, without rectifying, purifying, or refining distilled
16 spirits by mixing alcoholic beverages with any materials, manufactures any
17 imitations of or compounds liquors for sale under the name of whiskey, brandy, gin,
18 rum, wine, spirits, cordials, bitters, or any other name;

19 ~~(56)~~~~(54)~~ "Repackaging" means the placing of alcoholic beverages in any retail
20 container irrespective of the material from which the container is made;

21 ~~(57)~~~~(55)~~ "Restaurant" means a facility where the usual and customary business is the
22 preparation and serving of meals to consumers, that has a bona fide kitchen facility,
23 and that receives at least fifty percent (50%) of its food and alcoholic beverage
24 receipts from the sale of food at the premises;

25 ~~(58)~~~~(56)~~ "Retail container" means any bottle, can, barrel, or other container which,
26 without a separable intermediate container, holds alcoholic beverages and is
27 suitable and destined for sale to a retail outlet, whether it is suitable for delivery or

1 shipment to the consumer or not;

2 ~~(59)~~ "Retail sale" means any sale of alcoholic beverages to a consumer, including
3 those transactions taking place in person, electronically, online, by mail, or by
4 telephone;

5 ~~(60)~~ "Retailer" means any licensee who sells and delivers any alcoholic beverage
6 to consumers, except for manufacturers with limited retail sale privileges and direct
7 shipper licensees;

8 ~~(61)~~ "Riverboat" means any boat or vessel with a regular place of mooring in this
9 state that is licensed by the United States Coast Guard to carry forty (40) or more
10 passengers for hire on navigable waters in or adjacent to this state;

11 ~~(62)~~ "Sale" means any transfer, exchange, or barter for consideration, and includes
12 all sales made by any person, whether principal, proprietor, agent, servant, or
13 employee, of any alcoholic beverage;

14 ~~(63)~~ "Service bar" means a bar, counter, shelving, or similar structure used for
15 storing or stocking supplies of alcoholic beverages that is a workstation where
16 employees prepare alcoholic beverage drinks to be delivered to customers away
17 from the service bar;

18 ~~(64)~~ "Sell" includes solicit or receive an order for, keep or expose for sale, keep
19 with intent to sell, and the delivery of any alcoholic beverage;

20 ~~(65)~~ "Small farm winery" means a winery whose wine production is not less than
21 two hundred fifty (250) gallons and not greater than five hundred thousand
22 (500,000) gallons in a calendar year;

23 ~~(66)~~ "Souvenir package" means a special package of distilled spirits available from
24 a licensed retailer that is:

25 (a) Available for retail sale at a licensed Kentucky distillery where the distilled
26 spirits were produced or bottled; or

27 (b) Available for retail sale at a licensed Kentucky distillery but produced or

1 bottled at another of that distiller's licensed distilleries in Kentucky;

2 ~~(67)~~~~((65))~~ "State administrator" or "administrator" means the distilled spirits
3 administrator or the malt beverages administrator, or both, as the context requires;

4 ~~(68)~~~~((66))~~ "State park" means a state park that has a:

5 (a) Nine (9) or eighteen (18) hole golf course; or

6 (b) Full-service lodge and dining room;

7 ~~(69)~~~~((67))~~ "Supplemental bar" means a bar, counter, shelving, or similar structure used
8 for serving and selling distilled spirits or wine by the drink for consumption on the
9 licensed premises to guests and patrons from additional locations other than the
10 main bar;

11 ~~(70)~~~~((68))~~ "Territory" means a county, city, district, or precinct;

12 ~~(71)~~~~((69))~~ "Urban-county administrator" means an urban-county alcoholic beverage
13 control administrator;

14 ~~(72)~~~~((70))~~ "Valid identification document" means an unexpired, government-issued form
15 of identification that contains the photograph and date of birth of the individual to
16 whom it is issued;

17 ~~(73)~~~~((71))~~ "Vehicle" means any device or animal used to carry, convey, transport, or
18 otherwise move alcoholic beverages or any products, equipment, or appurtenances
19 used to manufacture, bottle, or sell these beverages;

20 ~~(74)~~~~((72))~~ "Vintage distilled spirit" means:

21 (a) A private selection package; or

22 (b) A package or packages of distilled spirits that:

23 1. Are in their original manufacturer's unopened container;

24 2. Are not owned by a distillery; and

25 3. Are not otherwise available for purchase from a licensed wholesaler
26 within the Commonwealth;

27 ~~(75)~~~~((73))~~ (a) "Vintage distilled spirits seller" means a nonlicensed person at least

1 twenty-one (21) years of age who is:

- 2 1. An administrator, executor, receiver, or other fiduciary who receives and
3 sells vintage distilled spirits in execution of the person's fiduciary
4 capacity;
- 5 2. A creditor who receives or takes possession of vintage distilled spirits as
6 security for, or in payment of, debt, in whole or in part;
- 7 3. A public officer or court official who levies on vintage distilled spirits
8 under order or process of any court or magistrate to sell the vintage
9 distilled spirits in satisfaction of the order or process; or
- 10 4. Any other person not engaged in the business of selling alcoholic
11 beverages.

12 (b) "Vintage distilled spirits seller" does not mean:

- 13 1. A person selling alcoholic beverages as part of an approved KRS
14 243.630 transfer; or
- 15 2. A person selling alcoholic beverages as authorized by KRS 243.540;

16 ~~(76)~~~~(74)~~ "Warehouse" means any place in which alcoholic beverages are housed or
17 stored;

18 ~~(77)~~~~(75)~~ "Weak cider" means any fermented fruit-based beverage containing more than
19 one percent (1%) but less than seven percent (7%) alcohol by volume;

20 ~~(78)~~~~(76)~~ "Wet" means a territory in which a majority of the electorate voted to permit
21 all forms of retail **alcoholic beverage**~~alcohol~~ sales by a local option election under
22 KRS 242.050 or 242.125 on the following question: "Are you in favor of the sale of
23 alcoholic beverages in (name of territory)?";

24 ~~(79)~~~~(77)~~ "Wholesale sale" means a sale to any person for the purpose of resale;

25 ~~(80)~~~~(78)~~ "Wholesaler" means any person who distributes alcoholic beverages for the
26 purpose of being sold at retail, but it shall not include a subsidiary of a
27 manufacturer or cooperative of a retail outlet;

1 ~~(81)~~~~(79)~~ "Wine" means the product of the normal alcoholic fermentation of the juices
2 of fruits, with the usual processes of manufacture and normal additions, and
3 includes champagne and sparkling and fortified wine of an alcoholic content not to
4 exceed twenty-four percent (24%) by volume. It includes sake, cider, hard cider,
5 and perry cider and also includes preparations or mixtures vended in retail
6 containers if these preparations or mixtures contain not more than fifteen percent
7 (15%) of alcohol by volume. It does not include weak cider; and

8 ~~(82)~~~~(80)~~ "Winery" means any place or premises in which wine is manufactured from
9 any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials
10 are compounded, except a place or premises that manufactures wine for sacramental
11 purposes exclusively.

12 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO
13 READ AS FOLLOWS:

14 ***The manufacture, distribution, and retail sale of cannabis-infused beverages***
15 ***containing any cannabinoids shall be regulated by the Department for Public Health***
16 ***under KRS Chapter 217.***

17 ➔Section 3. KRS 217.039 is amended to read as follows:

18 (1) As used in this section:

19 (a) "Cannabidiol" means a non-psychoactive cannabinoid found in the hemp
20 plant Cannabis sativa which has the chemical name 2-[(1R,6R)-3-methyl-6-
21 prop-1-en-2-ylcyclohex-2-en-1-yl]-5-pentylbenzene-1,3-diol;

22 (b) "Certificate of analysis" means a document produced by a laboratory that has
23 been accredited pursuant to standards of the International Organization for
24 Standardization, attesting to the composition of a product. The certificate of
25 analysis shall include but not be limited to the amount of delta-9
26 tetrahydrocannabinol, the amount of other cannabinoids, the amount of
27 pesticide residues, the amount of heavy metal traces, the amount of mycotoxin

- 1 contaminants, the amount of residual solvents, and the amount of
2 microbiological contaminants;
- 3 (c) "Hemp" has the same meaning as in KRS 260.850; and
- 4 (d) "Quick response code" or "QR code" means a type of machine-readable, two
5 (2) dimensional bar code that stores information about a product.
- 6 (2) A manufacturer or processor of ingestible or cosmetic cannabidiol products located
7 in Kentucky shall:
- 8 (a) Be permitted as a food manufacturer or a cosmetic manufacturer by the
9 cabinet and shall provide the following information:
- 10 1. The name of the manufacturer or processor and the physical address
11 where production or processing occurs; and
- 12 2. A listing of the cannabidiol products to be produced or processed; and
- 13 (b) Obtain a certificate of analysis for all cannabidiol products to be sold or
14 otherwise distributed in the Commonwealth.
- 15 (3) All ingestible or cosmetic cannabidiol products sold or otherwise distributed in the
16 Commonwealth shall bear labeling to allow the consumer to access information on
17 the product, including a certificate of analysis for the product, the location where
18 the hemp was grown, and the address and phone number of the manufacturer or
19 distributor using the following:
- 20 (a) A scannable bar code, including the batch number or serial number of the
21 product;
- 22 (b) A QR code; or
- 23 (c) A Web address linked to a document or Web site.
- 24 (4) No product labeling or advertising material for any ingestible or cosmetic
25 cannabidiol product sold or otherwise distributed in the Commonwealth shall bear
26 any claims stating that the product can diagnose, treat, cure, or prevent any disease.
- 27 (5) The cabinet shall promulgate administrative regulations to establish labeling

1 requirements for ingestible or cosmetic cannabidiol products in accordance with the
2 provisions of this section.

3 **(6) This section shall apply to any cannabis-infused beverages containing**
4 **cannabinoids as defined in Section 1 of this Act.**

5 ➔Section 4. KRS 243.034 is amended to read as follows:

6 (1) A limited restaurant license may be issued to an establishment meeting the
7 definition criteria established in KRS 241.010~~(39)~~~~(37)~~ as long as the
8 establishment is within:

9 (a) Any wet territory; or

10 (b) Any moist precinct that has authorized the sale of alcoholic beverages under
11 KRS 242.1244.

12 (2) A limited restaurant license shall authorize the licensee to purchase, receive,
13 possess, and sell alcoholic beverages at retail by the drink for consumption on the
14 licensed premises or off-premises consumption pursuant to KRS 243.081. The
15 licensee shall purchase alcoholic beverages only from licensed wholesalers or
16 distributors. The license shall not authorize the licensee to sell alcoholic beverages
17 by the package.

18 (3) The holder of a limited restaurant license shall maintain at least seventy percent
19 (70%) of its gross receipts from the sale of food and maintain the minimum
20 applicable seating requirement required for the type of limited restaurant license.

21 (4) A limited restaurant as defined by KRS 241.010~~(39)~~~~(37)~~(a) shall:

22 (a) Only sell alcoholic beverages incidental to the sale of a meal; and

23 (b) Not have an open bar and shall not sell alcoholic beverages to any person who
24 has not purchased or does not purchase a meal.

25 ➔Section 5. KRS 243.0341 is amended to read as follows:

26 (1) Notwithstanding any other provision of law, the following local governments may
27 elect to act under this section:

- 1 (a) Any city or county that conducted an election under KRS 242.1244(2) prior to
2 January 1, 2016, for by the drink sales of alcoholic beverages in restaurants
3 and dining facilities seating one hundred (100) persons or more; or
- 4 (b) Any city with limited sale precincts created pursuant to KRS 242.1292 prior
5 to July 14, 2022.
- 6 (2) Upon a determination by the legislative body of a city or county that:
- 7 (a) An economic hardship exists within the city or county; and
- 8 (b) Expanded sales of alcoholic beverages by the drink could aid in economic
9 growth;
- 10 the city or county may, after conducting a public hearing that is noticed to the
11 public in accordance with the KRS Chapter 424, adopt an ordinance authorizing by
12 the drink sales of alcoholic beverages in restaurants and dining facilities containing
13 seating for at least fifty (50) persons and meeting the requirements of subsection (3)
14 of this section.
- 15 (3) The ordinance enacted by a city or county pursuant to subsection (2) of this section
16 shall authorize the sale of alcoholic beverages under the following limitations:
- 17 (a) Sales shall only be conducted in restaurants and other dining facilities meeting
18 the requirements of KRS 241.010(39)~~[(37)]~~(a); and
- 19 (b) The provisions of KRS 243.034 shall apply to any restaurant or dining facility
20 operating under a license issued pursuant to this section.
- 21 (4) A city or county acting under this section may allow limited restaurant sales as
22 defined in KRS 241.010(39)~~[(37)]~~.
- 23 (5) The enactment of an ordinance under this section shall not:
- 24 (a) Modify the city's or county's ability to issue a limited restaurant license to
25 restaurants or other dining facilities meeting the requirements of KRS
26 241.010(39)~~[(37)]~~(b); or
- 27 (b) Affect, alter, or otherwise impair any license previously issued to a restaurant

1 or dining facility meeting the requirements of KRS 241.010(39)(~~37~~)(b).