

AN ACT relating to alcoholic beverages.

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

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

As used in this chapter and in KRS Chapters 242 and 243, unless the context requires otherwise:

- (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,~~[-or]~~ 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;
 - (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;
 - (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)**~~(6)~~ "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (8)**~~(7)~~ "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)**~~(8)~~ "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)~~~~(9)~~ "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)~~~~(10)~~ "Caterer" means a corporation, partnership, or individual that operates the business of a food service professional by preparing food in a licensed and inspected commissary, transporting the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests;

~~(12)~~~~(11)~~ "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)~~~~(12)~~ "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;

~~(14)~~~~(13)~~ "City administrator" means city alcoholic beverage control administrator;

~~(15)~~~~(14)~~ "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;

(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)~~(15)~~ "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;

(18)~~(16)~~ "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)~~(17)~~ "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)~~(18)~~ "County administrator" means county alcoholic beverage control administrator;

(21)~~(19)~~ "Department" means the Department of Alcoholic Beverage Control;

(22)~~(20)~~ "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)~~(21)~~ "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)~~(22)~~ "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)~~(23)~~ "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)~~(24)~~ "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;

(28)~~(25)~~ "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)~~(26)~~ "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)~~(27)~~ "Field representative" 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 taxpayers, 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;

~~(31)~~~~(28)~~ "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;

~~(32)~~~~(29)~~ "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;

~~(33)~~~~(30)~~ "License" means any license issued pursuant to KRS Chapters 241 to 244;

~~(34)~~~~(31)~~ "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;

~~(35)~~~~(32)~~ "Limited restaurant" means:

- (a) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons for dining, and which is located in a wet or moist territory under KRS 242.1244(2); or
- (b) A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross 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 242.1244;

~~(36)~~~~(33)~~ "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;

~~(37)~~~~(34)~~ "Manufacture" means distill, rectify, brew, bottle, and operate a winery;

~~(38)~~~~(35)~~ "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;

~~(39)~~~~(36)~~ "Minor" means any person who is not twenty-one (21) years of age or older;

~~(40)~~~~(37)~~ "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, 242.1244, or 242.1292;

~~(41)~~~~(38)~~ "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;

~~(42)~~~~(39)~~ "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;

~~(43)~~~~(40)~~ "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;

~~(44)~~~~(41)~~ "Qualified historic site" means 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, or 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. Notwithstanding the provisions of this subsection:

- (a) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; and
- (b) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;

shall be deemed a "qualified historic site" under this section;

~~(45)~~~~(42)~~ "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;

~~(46)~~~~(43)~~ "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;

~~(47)~~~~(44)~~ "Restaurant" means a facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food;

~~(48)~~~~(45)~~ "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;

~~(49)~~~~(46)~~ "Retail outlet" means retailer, hotel, motel, restaurant, railroad dining car,

club, and any facility where alcoholic beverages are sold directly to the consumers;

~~(50)~~~~(47)~~ "Retail sale" means any sale where delivery is made in Kentucky to any consumers;

~~(51)~~~~(48)~~ "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required;

~~(52)~~~~(49)~~ "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;

~~(53)~~~~(50)~~ "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;

~~(54)~~~~(51)~~ "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. A service bar shall be located in an area where the general public, guests, or patrons are prohibited;

~~(55)~~~~(52)~~ "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;

~~(56)~~~~(53)~~ "Small farm winery" means a winery producing wines, in an amount not to exceed one hundred~~fifty~~ thousand ~~(100,000)~~~~(50,000)~~ gallons in a calendar year;

~~(57)~~~~(54)~~ "Souvenir package" means a special package of distilled spirits available from a licensed retailer that is:~~[Kentucky straight bourbon whiskey]~~

(a) Available for retail sale at a licensed Kentucky distillery where the *distilled spirits were*~~[whiskey was]~~ produced or bottled; or

(b) Available for retail sale at a licensed Kentucky distillery but produced or bottled at another distiller's licensed distilleries in Kentucky~~[that is available from a licensed retailer];~~

~~(58)~~~~(55)~~ "State director" means the director of the Division of Distilled Spirits or the director of the Division of Malt Beverages, or both, as the context requires;

~~(59)~~~~(56)~~ "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, and may include a nine (9) or eighteen (18) hole golf course;

~~(60)~~~~(57)~~ "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. A supplemental bar shall be continuously constructed and accessible to patrons for distilled spirits or wine sales or service without physical separation by walls, doors, or similar structures;

~~(61)~~~~(58)~~ "Territory" means a county, city, district, or precinct;

~~(62)~~~~(59)~~ "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;

~~(63)~~~~(60)~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;

~~(64)~~~~(61)~~ "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;

~~(65)~~~~(62)~~ "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, 242.125, or 242.1292 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?";

~~(66)~~~~(63)~~ "Wholesale sale" means a sale to any person for the purpose of resale;

~~(67)~~~~(64)~~ "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;

(68)~~[(65)]~~ "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; and

(69)~~[(66)]~~ "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.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 242 IS CREATED TO READ AS FOLLOWS:

(1) To promote economic development and tourism in any dry or moist county or city in which a distillery is located, a local option election for the sale of alcoholic beverages may be held in a city or county precinct where the distillery is located, notwithstanding any other provision of the Kentucky Revised Statutes.

(2) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under Section 2 of this Act on the following question: 'Are you in favor of the sale of alcoholic beverages at distilleries located in (name of precinct)?'".

(3) When a majority of the votes cast in an election held under subsections (1) and (2) of this section are in favor of establishing wet territory, the premises of the distilleries located in that precinct shall become wet in the manner specified in KRS 242.200.

➔Section 3. KRS 242.020 is amended to read as follows:

- (1) A petition for an election shall be signed by a number of constitutionally qualified voters of the territory to be affected, equal to twenty-five percent (25%) of the votes cast in the territory at the last preceding general election. The petition may consist of one (1) or more separate units, and shall be filed with the county clerk.
- (2) **The petition shall be circulated by any group of citizens that has filed with the county clerk, before the petition is presented for signatures, the intent to circulate the petition. This group of citizens shall post bond with the Circuit Court to cover all costs of the election within five (5) days of filing the petition, if the election is to be held on any day other than a primary or regular election date. The cost of the election shall be established by the county judge/executive.**
- (3) The petition for election, in addition to the **signature and legally printed** name of the voter, shall state also the voter's residence address, **year**~~[date]~~ of birth, and the correct date upon which the voter's name was signed.
- ~~(4)~~~~(3)~~ No signer may withdraw his or her name or have it taken from the petition after the petition has been filed. If the name of any person has been placed on the petition for election without that person's authority, the person may appear before the county judge/executive before the election is ordered and upon proof that the person's name was placed on the petition without his or her authority, the person's name may be eliminated by an order of the county judge/executive. When the person's name has been eliminated, he or she shall not be counted as a petitioner.
- ~~(5)~~~~(4)~~ A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (name of territory)?'". No petition for a referendum shall be circulated for more than six (6) months prior to its filing.
- ~~(6)~~~~(5)~~ After a petition for election has been filed **in conformity with this section and Section 5 of this Act**, the county judge/executive shall make an order on the order

book of the court directing *that the local option question may be placed on the ballot for the next primary or regular*~~[an]~~ election to be held in that territory. *Notwithstanding KRS 242.060, if the date of the local option election is stated in the petition as provided in subsection (1) of Section 5 of this Act for a date other than a primary or regular election day, all election costs for the local option election shall be borne by the group of citizens who circulated the petition.*

~~(7)~~~~(6)~~ Substantial compliance with the wording designated under this chapter for a particular type of petition is sufficient to validate the actual wording of the petition.

➔Section 4. KRS 242.022 is amended to read as follows:

- (1) (a) To promote economic development and tourism in any dry or moist county or city in which a state park is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in a city or county precinct where the state park's qualifying lodge or golf course is located, notwithstanding any other provision of the Kentucky Revised Statutes.
- (b) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under KRS 242.022 on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at the state park located in (name of precinct)?'".
- (2) A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020~~;~~~~;~~ 242.030~~;~~~~;~~~~(1), (2), and (5);~~ 242.040~~;~~~~;~~ and 242.060 to 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at the state park located in the (name of precinct)?".
- (3) When a majority of the votes cast at an election held under subsections (1) and (2) of this section are in favor of establishing moist territory, the entire state park shall become moist in the manner specified in KRS 242.200.

➔Section 5. KRS 242.030 is amended to read as follows:

- (1) The date of the local option election may be stated in the petition for election. ~~[If the date is not stated, it shall be designated by the county judge/executive.]~~
- (2) The local option election shall be held not earlier than sixty (60) ***and not*** ~~[nor]~~ later than ninety (90) days after the date the petition is filed with the county clerk.
- (3) The local option election ***may*** ~~[shall not]~~ be held on the same day that a primary or ***regular*** ~~[general]~~ election is held in the territory ~~[or any part of the territory, nor within thirty (30) days next preceding or following a regular political election].~~
- (4) A local option election in any territory less than the county ***may*** ~~[shall not]~~ be held on the same day on which an election for the entire county is held ~~[, except as approved in KRS 242.125].~~
- (5) No local option election shall be held in the same territory more than once in every three (3) years.

(6) If the date is not stated in the petition, it shall be designated by the county judge/executive in accordance with subsections (7) and (8) of this section.

(7) In order for the local option election to be held on the day fixed by law for holding a primary, the petition shall be filed not earlier than the first Wednesday after the first Monday in November of the year preceding the day on which the primary is to be held and not later than the last Tuesday in January preceding the day fixed by law for holding the primary.

(8) In order for the local option election to be held on the day fixed by law for a regular election, the petition shall be filed not later than the second Tuesday in August preceding the day fixed by law for holding the regular election.

➔Section 6. KRS 242.1241 is amended to read as follows:

- (1) (a) If the sale of alcoholic beverages is permitted at a licensed small farm winery located in a wet ***or moist*** territory, a limited sale precinct election may be held to authorize the sale of alcoholic beverages on Sunday at the small farm

winery.

- (b) **A local option election held under this subsection shall be conducted in the same manner as specified in Section 3 of this Act**~~[The election shall be held in the same manner as prescribed by KRS 242.020 to 242.040 and 242.060] to 242.120.~~
- (c) The petition seeking a limited sale precinct election under this section shall state, "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages on Sunday at a small farm winery located in (name of **precinct**~~[territory]~~) between the hours of 1 p.m. and (the prevailing local time for that locality)?"
- (d) If the precinct contains a licensed small farm winery, the proposition to be voted on in the limited sale precinct election shall state, "Are you in favor of the sale of alcoholic beverages on Sunday at a licensed small farm winery or wineries located in (name of **precinct**~~[territory]~~) between the hours of 1 p.m. and (the prevailing time for that locality)?"
- (2) Notwithstanding KRS 242.030, a limited sale precinct election to authorize Sunday sales at a small farm winery may be held less than three (3) years after a local option election held in accordance with KRS 242.124 to authorize the sale of **alcoholic beverages**~~[wine]~~ at that small farm winery.

➔Section 7. KRS 242.1242 is amended to read as follows:

- (1) (a) To promote economic development and tourism in any dry or moist county or city in which a qualified historic site is located, a local option election for the limited sales of alcoholic beverages by the drink may be held in the precinct of the county where the qualified historic site is located, notwithstanding any other provision of the Kentucky Revised Statutes.
- (b) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election under this

section on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in (name of precinct)?'".

- (2) A local option election for the limited sale of alcoholic beverages by the drink held under subsection (1) of this section shall be conducted in the same manner as specified in KRS 242.020, ~~242.030, (1), (2), and (5);~~ 242.040, ~~;~~ and 242.060 to 242.120. The form of the proposition to be voted upon shall be "Are you in favor of the sale of alcoholic beverages by the drink at qualified historic sites in the (name of precinct)?".

➔Section 8. KRS 242.1244 is amended to read as follows:

- (1) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist city or county may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities that seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food if alcoholic beverages are purchased in conjunction with a meal. A petition seeking a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink at restaurants and dining facilities with a seating capacity of at least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?'".
- (b) The election shall be held in accordance with KRS 242.030~~(1), (2), and (5)~~, 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at

least fifty (50) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food if the alcoholic beverage is purchased in conjunction with a meal?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities, and the licensees may be regulated and taxed in accordance with KRS 243.072.

- (2) (a) In order to promote economic development and tourism, other provisions of the Kentucky Revised Statutes notwithstanding, a dry or moist city or county may, by petition in accordance with KRS 242.020, hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of one hundred (100) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food.
- (b) A petition seeking a local option election under this subsection shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?'".
- (c) The election shall be held in accordance with KRS 242.030~~[(1), (2), and (5)]~~, 242.040, and 242.060 to 242.120, and the proposition on the ballot shall state "Are you in favor of the sale of alcoholic beverages by the drink in (name of city or county) at restaurants and dining facilities with a seating capacity of at least one hundred (100) persons and which derive at least seventy percent (70%) of their gross receipts from the sale of food?". If the majority of the votes in an election held pursuant to this subsection are "Yes," licenses may be issued to qualified restaurants and dining facilities and the licensees may be

regulated and taxed in accordance with KRS 243.072.

- (3) A local option proposition under subsection (1) of this section is a separate proposition than a local option proposition held under subsection (2) of this section, so that a separate limited local option election is required for sales under each subsection. A territory may, by separate limited local option elections, simultaneously allow alcoholic beverage sales under subsections (1) and (2) of this section. A territory may also hold a limited local option election to allow alcoholic beverage sales under either subsection (1) or (2) of this section without authorizing alcoholic beverage sales under the other subsection.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

(1) An "authorized public consumption" license or "APC" license may be issued in wet territory to an applicant operating as, or in a commercial quadricycle business.

(2) 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:

(a) The applicant shall have a business office;

(b) The applicant shall maintain general liability insurance of at least two million dollars (\$2,000,000). No license shall be issued or renewed without written documentation of this insurance;

(c) 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; and

(d) 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:

1. Hours of operation;
2. Local licensing requirements;
3. Any additional insurance requirements;
4. Standards for the approval of authorized travel routes;
5. Safety and equipment standards;
6. Local inspection requirements;
7. Standards for vehicle operation; and
8. Standards for loading and unloading passengers.

(3) A holder of an APC license that operates as a commercial quadricycle business:

- (a) 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;
- (b) Shall not permit patrons to bring or possess any glass containers of alcoholic beverages on the quadricycle;
- (c) Shall not permit patrons to bring opened packages or drinks of alcoholic beverages from retail premises on the quadricycle;
- (d) Shall only permit patrons to drink and consume alcoholic beverages in nondescriptive plastic cups while riding the quadricycle; and
- (e) Shall not sell, permit, offer for sale, or provide or offer any samples of alcoholic beverages.

(4) An employee driver of a commercial quadricycle business holding an APC license shall:

- (a) Be certified by the department's server training in alcohol regulations (STAR) education program;
- (b) Not consume or be under the influence of alcoholic beverages or controlled

substances while driving and operating a quadricycle; and

(c) 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.

(5) Any local licensing fee imposed under Section 15 or 16 of this Act for an APC license shall not exceed the amount imposed under Section 10 of this Act for an APC license.

(6) This section does not exempt the holder of an APC license from KRS Chapters 241 to 244 or any administrative regulation promulgated by the board, except as expressly stated in this section.

➔Section 10. KRS 243.030 is amended to read as follows:

The following kinds of distilled spirits and wine licenses may be issued by the director of the Division of Distilled Spirits, the fees for which shall be:

- (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
- (3) Winery license, per annum\$1,030.00
- (4) Small farm winery license, per annum\$110.00
 - (a) Small farm winery off-premises retail license, per annum\$30.00
- (5) Wholesaler's license, per annum\$2,060.00
- (6) Quota retail package license, per annum.....\$570.00
- (7) Quota retail drink license, per annum\$620.00
- (8) Transporter's license, per annum\$210.00
- (9) Special nonbeverage alcohol license, per annum\$60.00

(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	\$90.00
(13) Special Sunday retail drink license, per annum	\$520.00
(14) Caterer's license, per annum	\$830.00
(15) Special temporary <u>alcoholic beverage</u> [distilled spirits and wine] auction license, per event	\$110.00
(16) Extended hours supplemental license, per annum	\$2,060.00
(17) Hotel in-room license, per annum	\$210.00
(18) Air transporter license, per annum	\$520.00
(19) Sampling license, per annum	\$110.00
(20) Replacement or duplicate license	\$25.00
(21) Entertainment destination license, per annum	\$7,730.00
(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 (includes distilled spirits, wine, and malt beverages by the drink), 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
(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) Micro out-of-state distilled spirits and	

wine supplier's license, per annum\$10.00

(33) **Authorized public consumption license, per annum**.....**\$250.00**

(34) A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to KRS 243.045.

(35)~~(34)~~ Other special licenses the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine and provides for by administrative regulation. In establishing the amount of license taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.

(36)~~(35)~~ The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary retail drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

A nonrefundable application fee of fifty dollars (\$50) shall be charged to process each new application under this section, except for subsections (4), (8), (9), (10), (12), (15), (19), and (20) of this section. The application fee shall be applied to the licensing fee if the license is issued; otherwise it shall be retained by the department.

➔Section 11. KRS 243.0305 is amended to read as follows:

(1) Any licensed Kentucky distiller that is located in wet territory **or any precinct that has authorized the limited sale of alcoholic beverages at distilleries under Section 2 of this Act** and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller's license.

(2) A wholesaler registered to distribute the brands of any distiller may permit the distiller to deliver a souvenir package directly from the distillery proper to the portion of the distillery premises ~~operated by the licensee for the sale of souvenir packages~~. However, all direct shipments shall be invoiced from the distiller to the wholesaler and from the wholesaler to the distiller, and all products directly shipped shall be included in the wholesaler's inventory and depletions for purposes of tax

collections imposed pursuant to KRS 243.710 to 243.895 and 243.990.

- (3) A distiller may sell souvenir packages at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of nine (9)~~three (3)~~ liters per visitor per day~~[, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be one (1) liter per visitor attending the event. These sales shall be permitted only through the gift shop or other retail outlet on the distiller's premises].~~
- (4) Hours of sale for souvenir packages at retail shall be in conformity with KRS 244.290(3)~~[9 a.m. until 9 p.m. prevailing time Monday through Saturday. The licensed premises may remain open if it has a separate department pursuant to KRS 244.290(1)].~~
- (5) Except as provided in this section, souvenir package sales shall be governed by all the statutes and administrative regulations governing the retail sale of distilled spirits by the package.
- (6) No wholesaler may restrict the sale of souvenir packages to the distiller of origin exclusively, but shall make souvenir packages available to any Kentucky retail licensee licensed for the sale of distilled spirits by the package.
- (7) A distillery holding a sampling license may allow visitors to sample distilled spirits under the following conditions:
 - (a) Sampling shall be permitted only on the licensed premises during regular business hours;
 - (b) A distillery shall not charge for the samples; and
 - (c) A distillery shall not provide more than one and three-fourths (1.75) ounces of samples per visitor per day.
- (8) In accordance with this section, a distillery located in any territory that has approved the limited sale of alcoholic beverages under an election held pursuant

to Section 2 of this Act may:

- (a) Hold an NQ3 retail drink license for the sale of alcoholic beverages on the distillery premises. Notwithstanding KRS 243.110, a licensed distiller may also hold any of the retail licenses available to it under this section;
- (b) Sell alcoholic beverages produced or bottled on the premises of its Kentucky licensed distillery for on-premises purposes without having to transfer physical possession of those alcoholic beverages to a licensed wholesaler if:
1. All direct shipments are invoiced from the distiller to its wholesaler and from the wholesaler to the distiller; and
 2. All products directly shipped are included in the wholesaler's inventory and depletions for purposes of tax collections imposed pursuant to KRS 243.710 to 243.895 and 243.990; and
- (c) Employ persons to engage in the sale or service of alcohol under an NQ3 license, if each employee completes the department's STAR training program within thirty (30) days of the beginning of his or her employment.
- (9) Except as expressly stated in this section, this section shall not exempt the holder of a distiller's license from:
- (a) The provisions of KRS Chapters 241 to 244;
 - (b) The administrative regulations of the board; and
 - (c) Regulation by the board at all the distiller's licensed premises.
- (10) Nothing in this section shall be construed to vitiate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages.

➔Section 12. KRS 243.033 is amended to read as follows:

- (1) 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.

- (2) The caterer's license may be issued as a primary license to a caterer in any wet territory or in any moist territory under KRS 242.1244 for the premises that serves as the caterer's commissary and designated banquet hall. No primary caterer's license shall be issued to a premises that operates as a restaurant. 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.
- (3) The caterer's license shall authorize the caterer to:
- (a) Purchase and store alcoholic beverages in the manner prescribed in KRS 243.088, 243.250, and 244.310;
 - (b) Transport, sell, serve, and deliver malt 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 malt beverages for a customer and his or her guests, in:
 - 1. 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 seventy percent (70%) of the gross receipts from the catering of both food and malt beverages; or
 - 2. All other wet territory if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and malt beverages;
 - (c) Transport, sell, serve, and deliver distilled spirits and wine 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 his or her guests, in:
 - 1. 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

- seventy percent (70%) of the gross receipts from the catering of both food and alcoholic beverages;
2. Cities and counties established as wet territory permitting distilled spirits and wine drink sales by ordinance under KRS 243.072 if the receipts from the catering of food at any catered event are at least fifty percent (50%) of the gross receipts from the catering of both food and alcoholic beverages; or
 3. All other wet territory in which the sale of distilled spirits and wine by the drink is authorized if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and alcoholic beverages;
- (d) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a catered event; and
 - (e) Receive payment for alcoholic beverages served at a catered event on a by-the-drink or by-the-event basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.
- (4) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverage licenses or special temporary licenses have been issued. A caterer licensee may cater a fundraising event for which a special temporary **alcoholic beverage**~~[distilled spirits and wine]~~ auction license has been issued under KRS 243.036.
 - (5) A caterer licensee shall not cater distilled spirits and wine on Sunday except in territory in which the Sunday sale of distilled spirits and wine is permitted under the provisions of KRS 244.290 and 244.295. A caterer licensee shall not cater malt beverages on Sunday except in territory in which the Sunday sale of malt beverages is permitted under the provisions of KRS 244.480.

(6) *A caterer licensee may cater alcoholic beverages at a private party or special event at a nonfederally bonded portion of the licensed premises of a distillery.*

(7) The location at which alcoholic beverages are sold, served, and delivered by a caterer, pursuant to this section, shall not constitute a public place for the purpose of KRS Chapter 222. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from the public place provisions of KRS Chapter 222.

~~(8)(7)~~ The caterer licensee shall post a copy of his or her caterer's license at the location of the function for which alcoholic beverages are catered.

~~(9)(8)~~ The name and license numbers of the caterer shall be painted or securely attached, in a contrasting color, in a form prescribed by the board by promulgation of an administrative regulation, upon all vehicles used by the caterer to transport alcoholic beverages.

~~(10)(9)~~ All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee not inconsistent with this section shall apply to the caterer licensee.

~~(11)(10)~~ The caterer licensee shall maintain records as set forth in KRS 244.150 and in administrative regulations promulgated by the board.

➔Section 13. KRS 243.034 is amended to read as follows:

(1) A limited restaurant license may be issued to an establishment meeting the *definition* criteria established in *subsection (35) of Section 1 of this Act*~~KRS 241.010(32)~~ as long as the establishment is within:

(a) Any wet territory; or

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

(2) A limited restaurant 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. The licensee shall purchase distilled spirits, wine, and malt beverages only from licensed wholesalers or distributors. The license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package.

- (3) The holder of a limited restaurant license shall maintain at least seventy percent (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.
- (4) (a) A limited restaurant as defined by subsection (35)(b) of Section 1 of this Act~~[KRS 241.010(32)(b)]~~ shall:
1. Only sell distilled spirits, wine, and malt beverages incidental to the sale of a meal; and
 2. Not have an open bar and shall not sell distilled spirits, wine, and malt beverages to any person who has not purchased or does not purchase a meal.
- (b) Distilled spirits, wine, and malt beverages shall be deemed to be purchased in conjunction with a meal if the distilled spirits, wine, and malt beverages are served after the meal is ordered and no more than one-half (1/2) hour after the meal is completed.

➔Section 14. KRS 243.036 is amended to read as follows:

- (1) A special temporary alcoholic beverage~~[distilled spirits and wine]~~ auction license may be issued to a charitable organization~~[, upon the payment of the fee set forth in KRS 243.030 and upon satisfaction of the requirements prescribed by administrative regulation promulgated by the department].~~
- (2) A special temporary alcoholic beverage~~[distilled spirits and wine]~~ auction license shall authorize the charitable organization to:
- (a) Purchase, transport, receive, possess, store, sell, and deliver alcoholic beverages~~[distilled spirits and wine]~~ to be sold at charity events by auction or

- by raffle~~[in the manner prescribed by administrative regulation promulgated by the department];~~
- (b) *Purchase, transport, receive, possess, store, sell, and deliver limited specially labeled bottles of distilled spirits, wine, and malt beverages to be sold at charity events in the manner prescribed by administrative regulations promulgated by the board;*
- (c) Obtain *alcoholic beverages*~~[distilled spirits and wine]~~ 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 auctions *or raffles*~~[in the manner prescribed by administrative regulation promulgated by the department];~~ and
- ~~(d)~~~~(e)~~ Receive payment for *alcoholic beverages*~~[distilled spirits and wine]~~ sold at auctions *or by raffles*~~[in the manner prescribed by administrative regulation promulgated by the department].~~
- (3) Each *alcoholic beverage*~~[distilled spirits and wine]~~ 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.
- (4) The location at which the *alcoholic beverages*~~[distilled spirits and wine]~~ are auctioned *or raffled* under this section shall not constitute a public place for the purpose of KRS Chapter 222. *Alcoholic beverage*~~[Distilled spirits and wine]~~ auctions *or raffles* may be conducted on licensed or unlicensed premises. The charitable organization possessing a special temporary *alcoholic beverage*~~[distilled spirits and wine]~~ auction license shall post a copy of the license at the location of the auction. During this period not more than one (1) auction shall be held.
- (5) A special temporary *alcoholic beverage*~~[distilled spirits and wine]~~ auction license

shall not be issued for any period longer than thirty (30) days. During this period not more than one (1) auction shall be held.

(6) Notwithstanding any other provision of KRS Chapters 241 to 244, 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 organization possessing a special temporary **alcoholic beverage**~~[distilled spirits and wine]~~ auction license under this section.

(7) All restrictions and prohibitions applying to **an alcoholic beverage**~~[a distilled spirits and wine]~~ retail package and **alcoholic beverage**~~[distilled spirits and wine]~~ by the drink license, not inconsistent with this section, shall apply to a special temporary **alcoholic beverage**~~[distilled spirits and wine]~~ auction license.

➔Section 15. KRS 243.060 is amended to read as follows:

(1) The fiscal court of each county or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of trafficking in alcoholic beverages. These licenses may be issued by the county or consolidated local government administrator. The license fees are subject to the provisions of subsections (2) to (6) of this section, and shall not exceed the following:

(a) Quota retail package license, per annum:

- 1. In counties containing a consolidated local government\$1,200.00
- 2. In all other counties\$1,000.00

(b) Quota retail drink license, per annum:

- 1. In counties containing a consolidated local government\$1,600.00
- 2. In all other counties\$1,000.00

(c) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:

- 1. In counties containing a consolidated local government.....\$1,800.00

- 2. In all other counties....\$1,000.00
- (d) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$300.00
- (e) Special temporary license, per event:
 - 1. In counties containing a consolidated local government.....\$266.66
 - 2. In all other counties\$166.66
- (f) Special Sunday retail drink license, per annum\$300.00
- (g) Nonquota retail malt beverage package license, per annum.....\$400.00
- (h) Nonquota type 4 retail malt beverage drink license, per annum.....\$400.00
- (i) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:
 - 1. In counties containing a consolidated local government.....\$2,000.00
 - 2. In all other counties.....\$1,400.00
- (j) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:
 - 1. In counties containing a consolidated local government.....\$2,000.00
 - 2. In all other counties.....\$1,400.00
- (k) Authorized public consumption license, per annum.....\$250.00**
- (2) The fee for the following license types may not be increased by more than five percent (5%) above the January 1, 2013, fee for the current license or the former license type listed beside it, during any five (5) year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsection (1) of this section:
 - (a) Quota retail package license: retail package liquor license;
 - (b) Quota retail drink license: retail drink license;
 - (c) Nonquota type 2 retail drink license: restaurant drink license;
 - (d) Nonquota retail malt beverage package license: retail malt beverage license;

- (e) Nonquota type 4 retail malt beverage drink license: retail malt beverage license;
 - (f) Limited restaurant license; and
 - (g) Limited golf course license.
- (3) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.
 - (4) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). 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).
 - (5) Any amount paid to any city within the county as a license fee for the same privilege for the same year may be credited against the county license fee.
 - (6) If any part of this section is held invalid, all of this section and of KRS 243.600 shall also be considered invalid.

➔Section 16. KRS 243.070 is amended to read as follows:

- (1) The legislative body of any city or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only those licenses set out in this section shall be issued. The license fees are subject to the provisions of subsections ~~[(16),]~~ (17), ~~and~~ (18), **and (19)** of this section, and shall not exceed the amounts specified in subsections (2) to ~~(16)~~~~[(15)]~~ of this section.
- (2) Distilled spirit licenses as set forth in KRS 243.030:
 - (a) Distiller's license, per annum\$500.00
 - (b) Rectifier's license:
 - 1. Class A**, per annum**\$500.00**

- 2. **Class B, per annum** ~~\$3,000.00~~ **\$300.00**
- (c) Wholesaler's distilled spirits and wine license, per annum\$3,000.00
- (d) Quota retail package license, per annum:
 - 1. In counties containing a consolidated local government\$1,200.00
 - 2. In all other counties\$1,000.00
- (3) Quota retail drink license, per annum:
 - (a) In counties containing a consolidated local government\$1,600.00
 - (b) In all other counties.....\$1,000.00
- (4) Special temporary license, per event:
 - (a) In counties containing a consolidated local government\$266.66
 - (b) In all other counties.....\$166.66
- (5) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum\$2,000.00
- (6) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:
 - (a) In counties containing a consolidated local government\$1,800.00
 - (b) In all other counties\$1,000.00
- (7) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum\$300.00
- (8) ~~{Distilled spirits and wine}~~ Special temporary **alcoholic beverage** auction license, per event\$200.00
- (9) Special Sunday retail drink license, per annum\$300.00
- (10) Extended hours supplemental license, per annum\$2,000.00
- (11) Caterer's license, per annum\$800.00
- (12) Bottling house or bottling house storage license, per annum\$1,000.00
- (13) Malt beverage licenses as follows:
 - (a) Brewer's license, per annum\$500.00

- (b) Microbrewery license, per annum\$500.00
 - (c) Malt beverage distributor's license, per annum\$400.00
 - (d) Nonquota retail malt beverage package license, per annum\$200.00
 - (e) Nonquota type 4 retail malt beverage drink license, per annum.....\$200.00
 - (f) Malt beverage brew-on-premises license, per annum\$100.00
- (14) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:
- (a) In counties containing a consolidated local government\$1,800.00
 - (b) In all other counties.....\$1,200.00
- (15) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:
- (a) In counties containing a consolidated local government\$1,800.00
 - (b) In all other counties\$1,200.00
- (16) **Authorized public consumption license, per annum.....\$250.00**
- (17)** The fee for the following license types may not be increased by more than five percent (5%) above the January 1, 2013, fee for the current license or the former license type listed beside it, during any five (5) year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsections (2) to **(16)**~~[(15)]~~ of this section:
- (a) Quota retail package license: retail package liquor license;
 - (b) Quota retail drink license: retail drink license;
 - (c) Nonquota type 1 retail drink license: convention center or convention hotel complex license;
 - (d) Nonquota type 2 retail drink license: restaurant drink license;
 - (e) Nonquota retail malt beverage package license: retail malt beverage license;
 - (f) Nonquota type 4 retail malt beverage drink license: retail malt beverage license;

- (g) Limited restaurant license; and
- (h) Limited golf course license.

~~(18)~~~~(17)~~ The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

~~(19)~~~~(18)~~ The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). 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).

➔Section 17. KRS 243.086 is amended to read as follows:

- (1) A "Nonquota type 3" or "NQ3" retail drink license may be issued to:
 - (a) A private club in existence for longer than one (1) year prior to the license application;~~or~~
 - (b) A dining car;
 - ~~(c) A bed and breakfast; or~~
 - ~~(d) A distiller.~~
- (2) An NQ3 retail drink license issued to a private club shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, at the designated premises if the general public is excluded.
- (3) An NQ3 retail drink license issued to a dining car shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee and shall also authorize the licensee to sell distilled spirits and wine by the package, only on the designated dining car identified in the NQ3 license.

(4) An NQ3 retail drink license issued to a bed and breakfast shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, but the licensee may only sell alcoholic beverages by the drink to paid overnight guests of the

licensee.

(5) An NO3 retail drink license issued to a distiller shall authorize the licensee to exercise the privileges of an NO2 retail drink license at the designated premises.

➔Section 18. KRS 243.090 is amended to read as follows:

(1) All licenses issued by the department, except special event licenses, temporary licenses, or licenses listed in subsection ~~(5)~~~~(4)~~ of this section, shall be valid for a period of no more than a year. The department shall promulgate administrative regulations establishing the year-round system for renewal of licenses. The system shall be designed to distribute the workload as uniformly as possible within the offices of the local administrators and the Department of Alcoholic Beverage Control.

(2) (a) Except for licenses listed in paragraph (b) of this subsection, all licenses issued after January 1, 2017, by a county or city 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. During the first year following the effective date of this Act, if the new date for renewal for the licensee does not occur on the date established by the department for the expiration of the licensee's state license, the city or county administrator shall either:

1. Prorate the cost of the renewed license by proportionally reducing the cost of the renewed license if the new date for the renewal occurs prior to the expiration of a previous license; or

2. Provide a prorated provisional local license to cover any period of time between the expiration of the previous license and the new date for renewal if the new date for renewal occurs after the expiration of the licensee's previous license.

(b) 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.

(3) When any person applies for a new license authorized under KRS Chapters 241 to 244, he or she shall be charged, if the license is issued, the full fee for the respective license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. 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.

~~**(4)**~~~~**(3)**~~ The renewal by the department of ~~the certificate or permit of~~ any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

~~**(5)**~~~~**(4)**~~ All alcoholic beverage producers, wholesalers, or distributors may obtain or renew their licenses for either a one (1) year term or a two (2) year term.

➔Section 19. KRS 243.120 is amended to read as follows:

(1) 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. 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. 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.

- (2) (a) Distillers that produce more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class A.
- (b) Distillers that produce fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class B (craft distillery).
- (3) (a) Rectifiers that rectify more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class A.**
- (b) Rectifiers that rectify fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class B (craft rectifier).**
- (4) (a) A distiller that is located in wet territory, or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under Section 2 of this Act, may sell distilled spirits by the drink at retail to consumers in accordance with Section 11 of this Act.**
- (b) Any distilled spirits sold under this subsection shall be taxed and distributed in the same manner as souvenir package sales under subsection (2) of Section 11 of this Act.**
- (c) 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.**

➔Section 20. KRS 243.130 is amended to read as follows:

- (1) Sales and deliveries of distilled spirits and wine may be made at wholesale, and from the licensed premises only:
- (a) By distillers to rectifiers, wineries, holders of special nonbeverage alcohol licenses so far as they may make the purchases, or other distillers;

- (b) By rectifiers to wineries or to distillers if distilled spirits sold to distillers are packaged in retail containers;
 - (c) By wineries to rectifiers or other wineries, or to the holders of special nonbeverage alcohol licenses;
 - (d) By distillers, rectifiers, or wineries to wholesalers; or
 - (e) By distillers, rectifiers, or wineries for export out of the state.
- (2) 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 his or her residence, and of the United States government if located in the United States, to receive and possess those alcoholic beverages. No distiller, rectifier, or winery shall sell or contract to sell, give away, or deliver any of his or her products to any retailer or consumer in Kentucky.
- (3) *Employees of distillers, rectifiers, and wineries may sample the products produced by that manufacturer for purposes of education, quality control, and product development.*
- (4) 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.
- ~~(5)~~ 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.
- ~~(6)~~ 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.
- ~~(7)~~ Nothing shall prohibit the purchase or sale of warehouse receipts by any

person, but this subsection does not authorize the owner of such a receipt to accept delivery of any distilled spirits unless the owner is a person who is permitted by law to receive the same.

➔Section 21. KRS 243.155 is amended to read as follows:

- (1) 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. 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. The department shall promulgate administrative regulations establishing the form the documentation of proof of production shall take.
- (2) 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:
 - (a) Manufacture wines and bottle wines produced by that small farm winery;
 - (b) Bottle wines produced by ***that small farm winery and other licensed***~~[another]~~ small farm ***wineries***~~[winery]~~;
 - (c) ***Enter into an agreement with another licensed small farm winery under which it crushes, processes, ferments, bottles, or any combination of such services, the grapes, fruits, or other agricultural products of the other small farm winery for one (1) production year. The resulting wine shall be considered the wine 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;***
 - (d) Serve on the premises or at small farm winery ***off-premises***~~[off-premise]~~ retail

sites complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day, if the small farm winery or its **off-premises**~~[off-premise]~~ retail site is located in wet territory;

~~(e)~~~~(d)~~ Sell by the drink or by the package on premises, at small farm winery **off-premises**~~[off-premise]~~ retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;

~~(f)~~~~(e)~~ Sell and transport wine produced on the premises of the small farm winery to wholesale license holders and small farm winery license holders;

~~(g)~~ **Sell and transport unmarketable wine, pomace, or must produced on the premises of the small farm winery to licensed distillers;**

~~(h)~~~~(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;~~f~~
~~and~~

~~(i)~~~~(g)~~ Ship to a customer wine produced by a small farm winery if:

1. The wine is shipped by licensed common carrier; and
2. The amount of wine shipped is limited to two (2) cases per customer per order;

~~(j)~~ **Manufacture brandy in an amount not to exceed one thousand (1,000) gallons per year. Brandy shall only be manufactured using one hundred percent (100%) Kentucky grapes, fruit, pomace, or unmarketable wine. A small farm winery's brandy shall not be offered or sold as a stand-alone product to any manufacturer, wholesaler, retailer, or person, but may be added to fortify wine products produced by that small farm winery. Any brandy manufactured by a small farm winery shall not count toward that**

small farm winery's annual one hundred thousand (100,000) gallon wine production limit; and

(k) Manufacture and bottle fortified wine products under the following conditions:

1. Fortified wine products may be offered as a sample or sold by the drink or by the package to customers at the small farm winery premises or at its off-premises retail site, if the small farm winery or its off-premises retail site is located in wet territory;
2. Complimentary samples of fortified wine products may only be offered in an amount not to exceed two (2) ounces per patron per day, if the small farm winery or its off-premises retail site is located in wet territory;
3. Any fortified wine products manufactured by a small farm winery shall not count toward that small farm winery's annual fifty thousand (50,000) gallon wine production limit; and
4. All fortified wine products offered or sold by a small farm winery shall be manufactured using one hundred percent (100%) Kentucky grapes, fruit, wine, or pomace and shall be fortified only by brandy manufactured by the small farm winery.

(3) If a licensed small farm winery is located in a dry or moist territory, KRS 242.230 to 242.430 shall apply, unless a limited local option election is held in accordance with KRS 242.124. If the proposition under KRS 242.124 is approved, a licensed small farm winery within the precinct may sell wine in accordance with subsection (2) of this section.

(4) If the requirements of KRS 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.

- (5) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a small farm winery license holder may also hold an NQ2 retail drink license and an NQ4 retail malt beverage drink license if 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.
- (6) This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from the administrative regulations of the board, nor from regulation by the board at all premises licensed by the small farm winery, except as expressly stated in this section.
- (7) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.
- (8) Upon the approval of the department, a small farm winery license may be renewed after the licensee submits to the department the winery's federal basic permit and proof of its annual wine production.

(9) An employee of a small farm winery may sample the products produced by that small farm winery for purposes of education, quality control, and product development.

➔Section 22. KRS 243.157 is amended to read as follows:

- (1) A microbrewery license shall authorize the licensee to perform the following functions:
 - (a) Engage in the business of a brewer under the terms and conditions of KRS 243.150, provided that production of malt beverages at such microbrewery shall not exceed ~~fifty~~^{twenty-five} thousand ~~(50,000)~~^(25,000) barrels in one (1) year;
 - (b) Serve on the premises complimentary samples of malt beverages produced by

such microbrewery in amounts not to exceed sixteen (16) ounces per patron, provided the microbrewery is located in wet territory;

(c) Sell malt beverages produced on the premises of the microbrewery to licensed distributors;~~and~~

(d) 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; and

(e) 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. 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 two hundred eighty-eight (288) ounces per day.

(2) 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.

(3) In accordance with the provisions of this section, a microbrewery license holder may:

(a) Hold retail drink and package licenses both on and off the premises of the microbrewery. 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;

(b) 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:

1. The microbrewery possesses a retail drink license for those premises;
2. 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; and
3. 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.

The report required under this subparagraph shall:

- a. 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; and
- b. 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.

Nothing in this subparagraph shall require a distributor to verify the accuracy of the information provided by the microbrewery in its report; and

- (c) 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:
 1. The microbrewery possesses a retail package license for those premises;
 2. 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; and

3. 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. The report required under this subparagraph shall:
 - a. 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; and
 - b. 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.

Nothing in this subparagraph shall require a distributor to verify the accuracy of the information provided by the microbrewery in its report; and

4. The amount of malt beverages purchased by a customer during a visit to the microbrewery's premises does not exceed two hundred eighty-eight (288) ounces per customer per day.
- (4) The provisions of subsection (3)(b) and (c) of this section shall apply only to malt beverages that are ~~+~~
- ~~(a)~~—]produced by the microbrewery at its licensed premises~~+~~ and:
- (a)~~(b)~~ Offered for sale by the microbrewery at that same premises under the microbrewery's retail drink or package license; or
- (b) 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.

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, 242, 243, and 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.

- (5) (a) 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. 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.
- (b) The licensed distributor shall be responsible for remitting these amounts to the Commonwealth as provided in KRS 243.884(1). 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. 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.
- (c) 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).
- (6) A microbrewery shall not be located in dry territory.
- (7) *An employee of a microbrewery may sample the products produced by that*

microbrewery for purposes of education, quality control, and product development.

(8) This section does not exempt the holder of a microbrewery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from any rules of the board as established by administrative regulations, nor from regulation by the board, except as expressly stated in this section. The provisions of this section shall not be deemed inconsistent with the provisions of KRS 244.602.

~~**(9)**~~ Nothing in this section shall be construed to vitiate the policy of this Commonwealth, as set forth in KRS 244.167 and 244.602, supporting an orderly three (3) tier system for the production and sale of malt beverages.

➔Section 23. KRS 243.882 is amended to read as follows:

For the purposes of KRS 243.884 to **243.890**~~[243.892]~~:

- (1) "Wholesale sale" or "sale at wholesale" means a sale made for the purpose of resale in the regular course of business of beer, wine, or distilled spirits, except as provided in KRS 243.884(3).
- (2) A "wholesaler" is a person required to be or who is a licensee authorized to do business pursuant to KRS 243.160 and 243.170.
- (3) A "distributor" is a person required to be or who is a licensee authorized to do business pursuant to KRS 243.180.

➔SECTION 24. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO READ AS FOLLOWS:

No person shall possess, sell, offer for sale, or use any powdered or crystalline alcoholic beverage product.

➔Section 25. KRS 244.050 is amended to read as follows:

- (1) No retail licensee shall give away any alcoholic beverage in any quantity or deliver it in any quantity for less than a full monetary consideration, except as provided by KRS 243.155, 243.157, and subsection (2) of this section.

(2) The holder of a quota retail drink license, a quota retail package license, an NQ2 license, or a distillery license may, after acquiring a sampling license, allow customers to sample, **free of charge**, distilled spirits and wine under the following conditions:

(a) **Free** sampling shall be permitted only on licensed premises and by licensees holding a sampling license, during regular business hours; **and**

~~(b) A licensee shall not charge for the samples provided to customers;~~

~~(c) Sample sizes shall not exceed:~~

~~1. One (1) ounce for wine; and~~

~~2. One half (1/2) ounce for distilled spirits; and~~

~~(d) A licensee shall limit a customer to:~~

~~1. **One (1) ounce of free** ~~Two (2)~~ distilled spirits samples per day; and~~

~~2. Six (6) **ounces of free** wine samples per day.~~

(3) Retailers holding a sampling license shall:

(a) Notify the Department of Alcoholic Beverage Control at least seven (7) days in advance of conducting a **free** sampling event; and

(b) Limit a **free** sampling event to a period not to exceed four (4) consecutive hours between 12 noon and 8 p.m.

(4) In addition to free sampling, a quota retail package licensee holding a sampling license may also sell sample distilled spirits and wine under the following conditions:

(a) Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours; and

(b) A licensee shall limit a customer to purchased samples totaling no more than:

1. Two (2) ounces of distilled spirits per day; and

2. Nine (9) ounces of wine per day.

(5) 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:

(a) Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours;

(b) A licensee shall limit a customer to no more than sixteen (16) ounces of malt beverages per day;

(c) Nothing in this subsection shall allow a quota retail package licensee to provide a customer samples of malt beverages free of charge;

(d) The retail price of a sample shall not be less than a licensee's purchase cost of the sample; and

(e) A licensee, supplier, or individual shall not request, require, or allow a distributor to provide malt beverages free of charge or participate in any activity allowed under this subsection.

(6) No customer shall be allowed to receive a combination of free and purchased samples totaling more than:

(a) Two (2) ounces of distilled spirits per day; and

(b) Nine (9) ounces of wine per day.

(7) Samples sold under subsections (4) and (5) of this section shall not constitute drink sales.

➔Section 26. KRS 244.085 is amended to read as follows:

(1) As used in KRS 244.083 and this section: "Premises" has the meaning it is given in KRS 241.010 and also means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

(2) A person under twenty-one (21)~~[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.

- (3) A person under twenty-one (21)~~[21]~~ years of age shall not possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under twenty-one (21)~~[21]~~ years of age in purchasing or having delivered or served to him or her any alcoholic beverages.
- (4) A person under twenty-one (21)~~[21]~~ years of age shall not misrepresent his or her 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.
- (5) A person under twenty-one (21)~~[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.
- (6) Except as provided in KRS 244.087 and 244.090, a licensee, or his or her 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:
 - (a) The usual and customary business of the establishment 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 or brewery or winery tour, convenience store, grocery store, drug store, licensed APC premises, or similar establishment;
 - (b) All alcoholic beverage inventory is kept in a separate, locked department at all times when minors are on the premises;
 - (c) 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. The licensee's request shall be in writing and shall specifically describe the event for which approval is requested. The state director shall approve or deny the request in writing; or

- (d) 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:
1. Maintain the responsibility of all ticket sales;
 2. 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;
 3. 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;
 4. Permit minors to be in the area where the concert is taking place only during the time of the concert; and
 5. 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.
- (7) Except as provided in subsection (6) of this section, a licensee or the licensee's agent, servant, or employee shall not allow any person under the age of twenty-one (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.
- (8) Except as provided in subsection (6) of this section, a person under the age of twenty-one (21) shall not remain on any premises that sells alcoholic beverages by

the package unless he or she 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.

- (9) A violation of subsection (2), (3), (4), (5), or (8) of this section shall be deemed a status offense if committed by a person under the age of eighteen (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.

➔Section 27. KRS 244.130 is amended to read as follows:

- (1) Except in conformity with administrative regulations of the board, no licensee under KRS 243.020 to 243.670 shall advertise or cause or permit to be advertised in any manner any product which he or she is licensed to manufacture or sell.
- (2) Subsection (1) of this section shall not prohibit:
- (a) Advertising in newspapers, magazines, or periodicals having a general circulation;
 - (b) 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;
 - (c) Promotional advertising containing the names of establishments or products displayed on uniforms or equipment of sporting teams;~~[-or]~~
 - (d) Promotional advertising mailed or delivered to a consumer's residence; or
 - (e) A distiller from providing visitors, in conjunction with a distillery tour or an event conducted by a bona fide church or charitable organization, free:
 1. Consumer-branded nonalcoholic novelty items whose actual retail cost does not exceed one hundred dollars (\$100) per item; and
 2. Production by-products.

➔Section 28. KRS 244.240 is amended to read as follows:

- (1) No distiller, rectifier, winery, or wholesaler and no employee, servant, or agent of a

distiller, rectifier, winery, or wholesaler shall:

~~(a)(1)~~ Be interested directly or indirectly in any way in any premises where distilled spirits or wine is sold at retail or in any business devoted wholly or partially to the sale of distilled spirits or wine at retail.

~~(b)(2)~~ Make or cause to be made any loan to any person engaged in the manufacture or sale of distilled spirits or wine at wholesale or retail.

~~(c)(3)~~ Make any gift or render any kind of service whatsoever, directly or indirectly, to any licensee under KRS 243.030 which ~~in the sound judgment of the board~~ may tend to influence the licensee to purchase the product of the distiller, rectifier, winery, or wholesaler.

~~(d)(4)~~ Enter into a contract with any retail licensee under KRS Chapters 241 to 244 whereby the licensee agrees to confine his or her sales to distilled spirits or wine manufactured or sold by one (1) or more such distillers, rectifiers, wineries, or wholesalers. Such a contract shall be void.

(2) Nothing in this section shall prohibit the giving of discounts in the usual course of business if the same discounts are offered to all licensees holding the same license type buying similar quantities.

→Section 29. The following KRS section is repealed:

243.892 Sales to be made only to licensed retailer -- Discounts prohibited.