

1 AN ACT relating to alcoholic beverage licenses.

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

3 ➔Section 1. KRS 243.100 is amended to read as follows:

4 An individual shall not become a licensee if the individual:

- 5 (1) (a) Has been convicted of any felony until five (5) years have passed from the  
6 date of conviction, release from custody or incarceration, parole, or  
7 termination of probation, whichever is later;
- 8 (b) Has been convicted of any misdemeanor involving a controlled substance that  
9 is described in or classified pursuant to KRS Chapter 218A in the two (2)  
10 years immediately preceding the application;
- 11 (c) Has been convicted of any misdemeanor directly or indirectly attributable to  
12 the use of alcoholic beverages in the two (2) years immediately preceding the  
13 application;
- 14 (d) Is under the age of twenty-one (21) years; or
- 15 (e) Has had any license relating to the regulation of the manufacture, sale, and  
16 transportation of alcoholic beverages revoked for cause or has been convicted  
17 of a violation of any statute within KRS Chapters 241 to 244, until the  
18 expiration of two (2) years from the date of the revocation or conviction; ~~or~~
- 19 ~~(f) Is not a citizen of the United States and has not had an actual, bona fide~~  
20 ~~residence in this state for at least one (1) year before the date on which the~~  
21 ~~application for a license is made. This subsection shall not apply to applicants~~  
22 ~~for manufacturers' licenses, to applicants that are corporations authorized to~~  
23 ~~do business in this state, or to persons licensed on March 7, 1938].~~
- 24 (2) A partnership, limited partnership, limited liability company, corporation,  
25 governmental agency, or other business entity recognized by law shall not be  
26 licensed if:
- 27 (a) Each principal owner, partner, member, officer, and director does not qualify

1 under subsection (1)(a), (b), (c), (d), and (e) of this section;

2 (b) It has had any license relating to the regulation of the manufacture, sale, and  
3 transportation of alcoholic beverages revoked for cause or has been convicted  
4 of a violation of any statute within KRS Chapters 241 to 244, until the  
5 expiration of two (2) years from the date of the revocation or conviction; or

6 (c) Any principal owner, partner, member, officer, or director, or any business  
7 entity in which they were directly or indirectly interested, has had any license  
8 revoked for cause or has been convicted of a violation of any statute within  
9 KRS Chapters 241 to 244, until the expiration of the later of two (2) years  
10 from the date of the revocation or two (2) years from the date of conviction.

11 (3) The provisions of subsection (1)(a) and (b) shall apply to anyone applying for a new  
12 license under this chapter after July 15, 1998, but shall not apply to those who  
13 renew a license that was originally issued prior to July 15, 1998, or an application  
14 for a supplemental license where the original license was issued prior to July 15,  
15 1998.

16 (4) A person shall not evade license disqualification by applying for a license through  
17 or under the name of a different person. The state administrators shall examine the  
18 ownership, membership, and management of all license applicants, and shall deny  
19 the application if a disqualified person has a direct or indirect interest in the  
20 applicant's business. The department may issue administrative subpoenas and  
21 summonses to determine ownership of an applicant or to investigate alleged  
22 violations by a licensee.

23 ➔Section 2. KRS 243.040 is amended to read as follows:

24 The following kinds of malt beverage licenses may be issued by the malt beverages  
25 administrator, the fees for which shall be:

26 (1) Brewer's license, per annum .....\$2,580.00  
27 (2) Microbrewery license, per annum .....\$520.00

- 1 (3) Distributor's license, per annum .....\$520.00
- 2 (4) Nonquota retail malt beverage package license, per annum .....\$210.00
- 3 (5) Out-of-state malt beverage supplier's license,
- 4 per annum .....\$1,550.00
- 5 (6) Malt beverage storage license, per annum .....\$260.00
- 6 (7) Replacement or duplicate license, per annum .....\$25.00
- 7 (8) Limited out-of-state malt beverage supplier's license,
- 8 per annum .....\$260.00
- 9 (9) Nonquota type 4 malt beverage drink license,
- 10 per annum .....\$210.00
- 11 (10) The holder of a nonquota retail malt beverage package license may obtain a
- 12 Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The
- 13 holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota
- 14 retail malt beverage package license for a fee of fifty dollars (\$50).
- 15 (11) A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new
- 16 transitional license pursuant to KRS 243.045.
- 17 (12) Other special licenses as the state board finds to be necessary for the administration
- 18 of KRS Chapters 241 to 244 and for the proper regulation and control of the
- 19 trafficking in malt beverages, as provided for by administrative regulations
- 20 promulgated by the state board.
- 21 ~~[Applicants for special licenses provided for under the authority granted in subsection (8)~~
- 22 ~~of this section may be exempt from so much of the provisions of subsection (1)(f) of KRS~~
- 23 ~~243.100 set out in administrative regulations promulgated by the board.]~~ A nonrefundable
- 24 application fee of fifty dollars (\$50) shall be charged to process each new application for
- 25 a license under this section. The application fee shall be applied to the licensing fee if the
- 26 license is issued, or otherwise the fee shall be retained by the department.

27 ➔Section 3. KRS 243.200 is amended to read as follows:

- 1 (1) A transporter's license may be issued as a primary license to a motor carrier  
2 authorized to transact business in the Commonwealth by the Transportation Cabinet  
3 or the Federal Motor Carrier Safety Administration or to another person engaged in  
4 business as a common carrier. A person holding a transporter's license may  
5 transport alcoholic beverages to or from the licensed premises of any licensee under  
6 this chapter to an individual consumer if both the consignor and consignee in each  
7 case are authorized by the law of the states of their residence to sell, purchase,  
8 deliver, ship, or receive the alcoholic beverages.
- 9 (2) A transporter may deliver or ship directly to consumers over twenty-one (21) years  
10 of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years  
11 of age or over) required," and must request adult-signature-only service from the  
12 carrier. Deliveries or shipments of alcoholic beverages shall only be made into areas  
13 of the state in which alcoholic beverages may be lawfully sold. When the shipper  
14 requests adult-signature-only service, it shall be a violation for a common carrier  
15 not to inspect government-issued identification for proof of age or to knowingly  
16 deliver or ship alcoholic beverages into areas of the state in which alcoholic  
17 beverages are not legally sold.
- 18 (3) Except for a common carrier that has been assigned a USDOT number issued by the  
19 Federal Motor Carrier Safety Administration, the holder of a transporter's license  
20 shall cause each truck or vehicle to display the name of the licensee and the state  
21 license numbers in a manner prescribed by an administrative regulation  
22 promulgated by the board.
- 23 (4) Except for an application by a common carrier that has been assigned a USDOT  
24 number issued by the Federal Motor Carrier Safety Administration, an application  
25 for a transporter's license shall include a statement that the applicant, if issued a  
26 license, shall allow any authorized investigators of the department to stop and  
27 examine the cargo of any truck or vehicle in which alcoholic beverages are being

1 transported within the boundaries of the Commonwealth of Kentucky.

2 (5) ~~[Applicants for the transporter's license under this section, and their employees,~~  
3 ~~shall be exempt from the residency requirements of KRS 243.100.~~

4 ~~(6)~~ A licensee may move, within the same county, alcoholic beverages from one (1) of  
5 the licensee's licensed premises to another without a transporter's license. A licensee  
6 may move alcoholic beverages from one (1) of the licensee's licensed premises  
7 located in one (1) county to a licensed premises located in another county, without a  
8 transporter's license, with prior written approval of the administrator for good cause  
9 shown. The licensee shall keep and maintain, in one (1) of its licensed premises,  
10 adequate books and records of the transactions involved in transporting alcoholic  
11 beverages from one (1) licensed premises to another in accordance with standards  
12 established in administrative regulations promulgated by the board. The records  
13 shall be available to the department and the Department of Revenue upon request.

14 ~~(6)~~~~(7)~~ Distilled spirits and wine may be transported by any licensed retailer selling  
15 distilled spirits or wine, by the package or by the drink, from the premises of a  
16 licensed wholesaler to the licensed premises of the retail licensee. Any retailer  
17 transporting alcoholic beverages under this subsection shall do so in a vehicle  
18 marked in conformity with administrative regulations of the board. Both the  
19 wholesaler and the retailer engaging in activity under this subsection shall be  
20 responsible for maintaining records documenting the transactions.

21 ➔Section 4. KRS 243.360 is amended to read as follows:

22 (1) All persons, except an applicant for the same license for the same premises, or an  
23 applicant for an out-of-state malt beverage supplier's license, limited out-of-state  
24 malt beverage supplier's license, out-of-state distilled spirits and wine supplier's  
25 license, limited out-of-state distilled spirits and wine supplier's license,  
26 supplemental bar license, extended hours supplemental license, a special agent or  
27 solicitor's license, a special nonbeverage alcohol license, a transporter's license, a

1 special Sunday drink license, a hotel in-room license, a sampling license, or a  
2 special temporary drink license shall, before applying for a license, advertise by  
3 publication their intention to apply for a license in the newspaper for legal notices  
4 under KRS 424.120 for the county or city whose local administrator has local  
5 jurisdiction over the proposed premises.

6 (2) The notice shall contain the following information:

- 7 (a) The notice shall state: the name and address of the applicant and the name and  
8 address of each principal owner, partner, member, officer, and director if the  
9 applicant is a partnership, limited partnership, limited liability company,  
10 corporation, governmental agency, or other business entity recognized by law;  
11 (b) The notice shall specifically state the location of the premises for which the  
12 license is sought, the type of business, and the type of license being requested;  
13 and  
14 (c) The notice shall state the date the application will be filed and shall contain  
15 the following statement: "Any person, association, corporation, or body politic  
16 may protest the approval of the license by notifying~~[writing]~~ the Kentucky  
17 Department of Alcoholic Beverage Control, in writing~~[1003 Twilight Trail,~~  
18 ~~Frankfort, Kentucky 40601]~~, within thirty (30) days of the date of legal  
19 publication."

20 (3) Any protest received after the thirty (30) day period has expired shall not be  
21 considered a valid legal protest by the board.

22 (4) Substantial compliance with the information listed in subsection (2) of this section  
23 shall be sufficient to comply with this section.

24 ➔Section 5. KRS 243.240 is amended to read as follows:

25 (1) A quota retail package license shall authorize the licensee to:

- 26 (a) Purchase, receive, possess, and sell distilled spirits and wine at retail in  
27 unbroken packages only, and only for consumption off the licensed premises;

1 and

2 (b) Deliver ~~for ship~~ to the customer, **or his or her designee**, at the customer's  
3 request, alcoholic beverages **from the licensed Kentucky premises**~~[that are~~  
4 ~~purchased~~;

5 1. ~~From the licensed premises where eighty percent (80%) of the monthly~~  
6 ~~gross sales receipts are sales to Kentucky residents, in quantities not to~~  
7 ~~exceed four and one half (4 1/2) liters of distilled spirits and four (4)~~  
8 ~~cases of wine per purchaser per day for sales prior to January 1, 2021,~~  
9 ~~and in quantities not to exceed an aggregate of nine (9) liters of distilled~~  
10 ~~spirits and four (4) cases of wine per purchaser per day on and after~~  
11 ~~January 1, 2021; and~~

12 2. ~~By subscription members or club program members, in quantities not to~~  
13 ~~exceed an aggregate of nine (9) liters per calendar year for distilled~~  
14 ~~spirits, and an aggregate of one (1) case of wine per month per calendar~~  
15 ~~year, provided that the enrollment and payment for the subscription or~~  
16 ~~club is arranged in person at the premises].~~

17 (2) The licensee shall purchase distilled spirits and wine in retail packages only and  
18 only from licensed wholesalers.

19 (3) All deliveries ~~for shipments~~ made pursuant to this section shall be made;

20 **(a) To a valid personal address or unlicensed business address located in**  
21 **wet territory; and**

22 **(b) By an employee of the licensee or the licensee's independent**  
23 **contractor**~~[ through a licensed transporter or licensed common carrier~~  
24 ~~authorized to deliver or ship distilled spirits in the jurisdiction to which~~  
25 ~~the products will be delivered or shipped].~~

26 ➔Section 6. KRS 241.010 is amended to read as follows:

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

- 1 (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from  
2 whatever source or by whatever process it is produced;
- 3 (2) "Alcoholic beverage" means every liquid, solid, powder, or crystal, whether  
4 patented or not, containing alcohol in an amount in excess of more than one percent  
5 (1%) of alcohol by volume, which is fit for beverage purposes. It includes every  
6 spurious or imitation liquor sold as, or under any name commonly used for,  
7 alcoholic beverages, whether containing any alcohol or not. It does not include the  
8 following products:
- 9 (a) Medicinal preparations manufactured in accordance with formulas prescribed  
10 by the United States Pharmacopoeia, National Formulary, or the American  
11 Institute of Homeopathy;
- 12 (b) Patented, patent, and proprietary medicines;
- 13 (c) Toilet, medicinal, and antiseptic preparations and solutions;
- 14 (d) Flavoring extracts and syrups;
- 15 (e) Denatured alcohol or denatured rum;
- 16 (f) Vinegar and preserved sweet cider;
- 17 (g) Wine for sacramental purposes; and
- 18 (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external  
19 use;
- 20 (3) (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine,  
21 or process that mixes liquor, spirits, or any other alcohol product with pure  
22 oxygen or by any other means produces a vaporized alcoholic product used for  
23 human consumption;
- 24 (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler,  
25 nebulizer, atomizer, or other device that is designed and intended by the  
26 manufacturer to dispense a prescribed or over-the-counter medication or a  
27 device installed and used by a licensee under this chapter to demonstrate the



- 1                   aroma of an alcoholic beverage;
- 2   (4) "Automobile race track" means a facility primarily used for vehicle racing that has a  
3       seating capacity of at least thirty thousand (30,000) people;
- 4   (5) "Bed and breakfast" means a one (1) family dwelling unit that:
- 5       (a) Has guest rooms or suites used, rented, or hired out for occupancy or that are  
6           occupied for sleeping purposes by persons not members of the single-family  
7           unit;
- 8       (b) Holds a permit under KRS Chapter 219; and
- 9       (c) Has an innkeeper who resides on the premises or property adjacent to the  
10       premises during periods of occupancy;
- 11   (6) "Board" means the State Alcoholic Beverage Control Board created by KRS  
12       241.030;
- 13   (7) "Bottle" means any container which is used for holding alcoholic beverages for the  
14       use and sale of alcoholic beverages at retail;
- 15   (8) "Brewer" means any person who manufactures malt beverages or owns, occupies,  
16       carries on, works, or conducts any brewery, either alone or through an agent;
- 17   (9) "Brewery" means any place or premises where malt beverages are manufactured for  
18       sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards,  
19       and storerooms connected with the premises; or where any part of the process of the  
20       manufacture of malt beverages is carried on; or where any apparatus connected with  
21       manufacture is kept or used; or where any of the products of brewing or  
22       fermentation are stored or kept;
- 23   (10) "Building containing licensed premises" means the licensed premises themselves  
24       and includes the land, tract of land, or parking lot in which the premises are  
25       contained, and any part of any building connected by direct access or by an entrance  
26       which is under the ownership or control of the licensee by lease holdings or  
27       ownership;

- 1 (11) "Caterer" means a person operating a food service business that prepares food in a  
2 licensed and inspected commissary, transports the food and alcoholic beverages to  
3 the caterer's designated and inspected banquet hall or to an agreed location, and  
4 serves the food and alcoholic beverages pursuant to an agreement with another  
5 person;
- 6 (12) "Charitable organization" means a nonprofit entity recognized as exempt from  
7 federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec.  
8 501(c)) or any organization having been established and continuously operating  
9 within the Commonwealth of Kentucky for charitable purposes for three (3) years  
10 and which expends at least sixty percent (60%) of its gross revenue exclusively for  
11 religious, educational, literary, civic, fraternal, or patriotic purposes;
- 12 (13) "Cider" means any fermented fruit-based beverage containing seven percent (7%) or  
13 more alcohol by volume and includes hard cider and perry cider;
- 14 (14) "City administrator" means city alcoholic beverage control administrator;
- 15 (15) "Commercial airport" means an airport through which more than five hundred  
16 thousand (500,000) passengers arrive or depart annually;
- 17 (16) "Commercial quadricycle" means a vehicle equipped with a minimum of ten (10)  
18 pairs of fully operative pedals for propulsion by means of human muscular power  
19 ~~exclusively~~ and which:
- 20 (a) Has four (4) wheels;
- 21 (b) Is operated in a manner similar to that of a bicycle;
- 22 (c) Is equipped with a minimum of thirteen (13) seats for passengers;
- 23 (d) Has a unibody design;
- 24 (e) Is equipped with a minimum of four (4) hydraulically operated brakes;
- 25 (f) Is used for commercial tour purposes; and
- 26 (g) Is operated by the vehicle owner or an employee of the owner;
- 27 (17) "Commissioner" means the commissioner of the Department of Alcoholic Beverage

- 1 Control;
- 2 (18) "Convention center" means any facility which, in its usual and customary business,  
3 provides seating for a minimum of one thousand (1,000) people and offers  
4 convention facilities and related services for seminars, training and educational  
5 purposes, trade association meetings, conventions, or civic and community events  
6 or for plays, theatrical productions, or cultural exhibitions;
- 7 (19) "Convicted" and "conviction" means a finding of guilt resulting from a plea of  
8 guilty, the decision of a court, or the finding of a jury, irrespective of a  
9 pronouncement of judgment or the suspension of the judgment;
- 10 (20) "County administrator" means county alcoholic beverage control administrator;
- 11 (21) "Department" means the Department of Alcoholic Beverage Control;
- 12 (22) "Dining car" means a railroad passenger car that serves meals to consumers on any  
13 railroad or Pullman car company;
- 14 (23) "Discount in the usual course of business" means price reductions, rebates, refunds,  
15 and discounts given by wholesalers to distilled spirits and wine retailers pursuant to  
16 an agreement made at the time of the sale of the merchandise involved and are  
17 considered a part of the sales transaction, constituting reductions in price pursuant  
18 to the terms of the sale, irrespective of whether the quantity discount was:
- 19 (a) Prorated and allowed on each delivery;
- 20 (b) Given in a lump sum after the entire quantity of merchandise purchased had  
21 been delivered; or
- 22 (c) Based on dollar volume or on the quantity of merchandise purchased;
- 23 (24) "Distilled spirits" or "spirits" means any product capable of being consumed by a  
24 human being which contains alcohol in excess of the amount permitted by KRS  
25 Chapter 242 obtained by distilling, mixed with water or other substances in  
26 solution, except wine, hard cider, and malt beverages;
- 27 (25) "Distiller" means any person who is engaged in the business of manufacturing

- 1       distilled spirits at any distillery in the state and is registered in the Office of the  
2       Collector of Internal Revenue for the United States at Louisville, Kentucky;
- 3       (26) "Distillery" means any place or premises where distilled spirits are manufactured for  
4       sale, and which are registered in the office of any collector of internal revenue for  
5       the United States. It includes any United States government bonded warehouse;
- 6       (27) "Distributor" means any person who distributes malt beverages for the purpose of  
7       being sold at retail;
- 8       (28) "Dry" means a territory in which a majority of the electorate voted to prohibit all  
9       forms of retail alcohol sales through a local option election held under KRS Chapter  
10      242;
- 11      (29) "Election" means:
- 12           (a)   An election held for the purpose of taking the sense of the people as to the  
13               application or discontinuance of alcoholic beverage sales under KRS Chapter  
14               242; or
- 15           (b)   Any other election not pertaining to alcohol;
- 16      (30) "Horse racetrack" means a facility licensed to conduct a horse race meeting under  
17      KRS Chapter 230;
- 18      (31) "Hotel" means a hotel, motel, or inn for accommodation of the traveling public,  
19      designed primarily to serve transient patrons;
- 20      (32) "Investigator" means any employee or agent of the department who is regularly  
21      employed and whose primary function is to travel from place to place for the  
22      purpose of visiting licensees, and any employee or agent of the department who is  
23      assigned, temporarily or permanently, by the commissioner to duty outside the main  
24      office of the department at Frankfort, in connection with the administration of  
25      alcoholic beverage statutes;
- 26      (33) "License" means any license issued pursuant to KRS Chapters 241 to 244;
- 27      (34) "Licensee" means any person to whom a license has been issued, pursuant to KRS

1 Chapters 241 to 244;

2 (35) "Limited restaurant" means:

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

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

16 (36) "Local administrator" means a city alcoholic beverage administrator, county  
17 alcoholic beverage administrator, or urban-county alcoholic beverage control  
18 administrator;

19 (37) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or  
20 description, manufactured from malt wholly or in part, or from any substitute for  
21 malt, and includes weak cider;

22 (38) "Manufacture" means distill, rectify, brew, bottle, and operate a winery;

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

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

26 (41) "Moist" means a territory in which a majority of the electorate voted to permit  
27 limited alcohol sales by any one (1) or a combination of special limited local option

1 elections authorized by KRS 242.022, 242.123, 242.1238, 242.124, 242.1242,  
2 242.1243, 242.1244, or 242.1292;

3 (42) "Population" means the population figures established by the federal decennial  
4 census for a census year or the current yearly population estimates prepared by the  
5 Kentucky State Data Center, Urban Studies Center of the University of Louisville,  
6 Louisville, Kentucky, for all other years;

7 (43) "Premises" means the land and building in and upon which any business regulated  
8 by alcoholic beverage statutes is operated or carried on. "Premises" shall not include  
9 as a single unit two (2) or more separate businesses of one (1) owner on the same  
10 lot or tract of land, in the same or in different buildings if physical and permanent  
11 separation of the premises is maintained, excluding employee access by keyed entry  
12 and emergency exits equipped with crash bars, and each has a separate public  
13 entrance accessible directly from the sidewalk or parking lot. Any licensee holding  
14 an alcoholic beverage license on July 15, 1998, shall not, by reason of this  
15 subsection, be ineligible to continue to hold his or her license or obtain a renewal,  
16 of the license;

17 (44) "Primary source of supply" or "supplier" means the distiller, winery, brewer,  
18 producer, owner of the commodity at the time it becomes a marketable product,  
19 bottler, or authorized agent of the brand owner. In the case of imported products, the  
20 primary source of supply means either the foreign producer, owner, bottler, or agent  
21 of the prime importer from, or the exclusive agent in, the United States of the  
22 foreign distiller, producer, bottler, or owner;

23 (45) "Private club" means a nonprofit social, fraternal, military, or political organization,  
24 club, or entity maintaining or operating a club room, club rooms, or premises from  
25 which the general public is excluded;

26 (46) "Public nuisance" means a condition that endangers safety or health, is offensive to  
27 the senses, or obstructs the free use of property so as to interfere with the

1 comfortable enjoyment of life or property by a community or neighborhood or by  
2 any considerable number of persons;

3 (47) "Qualified historic site" means:

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

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

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

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

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

20 (49) "Repackaging" means the placing of alcoholic beverages in any retail container  
21 irrespective of the material from which the container is made;

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

26 (51) "Retail container" means any bottle, can, barrel, or other container which, without a  
27 separable intermediate container, holds alcoholic beverages and is suitable and

- 1       destined for sale to a retail outlet, whether it is suitable for delivery to the consumer  
2       or not;
- 3       (52) "Retail sale" means any sale where delivery is made in Kentucky to any consumers;
- 4       (53) "Retailer" means any licensee who sells and delivers any alcoholic beverage to  
5       consumers, except for producers with limited retail sale privileges;
- 6       (54) "Riverboat" means any boat or vessel with a regular place of mooring in this state  
7       that is licensed by the United States Coast Guard to carry one hundred (100) or  
8       more passengers for hire on navigable waters in or adjacent to this state;
- 9       (55) "Sale" means any transfer, exchange, or barter for consideration, and includes all  
10      sales made by any person, whether principal, proprietor, agent, servant, or  
11      employee, of any alcoholic beverage;
- 12      (56) "Service bar" means a bar, counter, shelving, or similar structure used for storing or  
13      stocking supplies of alcoholic beverages that is a workstation where employees  
14      prepare alcoholic beverage drinks to be delivered to customers away from the  
15      service bar;
- 16      (57) "Sell" includes solicit or receive an order for, keep or expose for sale, keep with  
17      intent to sell, and the delivery of any alcoholic beverage;
- 18      (58) "Small farm winery" means a winery whose wine production is not less than two  
19      hundred fifty (250) gallons and not greater than one hundred thousand (100,000)  
20      gallons in a calendar year;
- 21      (59) "Souvenir package" means a special package of distilled spirits available from a  
22      licensed retailer that is:
- 23          (a) Available for retail sale at a licensed Kentucky distillery where the distilled  
24              spirits were produced or bottled; or
- 25          (b) Available for retail sale at a licensed Kentucky distillery but produced or  
26              bottled at another of that distiller's licensed distilleries in Kentucky;
- 27      (60) "State administrator" or "administrator" means the distilled spirits administrator or



- 1 the malt beverages administrator, or both, as the context requires;
- 2 (61) "State park" means a state park that has a:
- 3 (a) Nine (9) or eighteen (18) hole golf course; or
- 4 (b) Full-service lodge and dining room;
- 5 (62) "Supplemental bar" means a bar, counter, shelving, or similar structure used for
- 6 serving and selling distilled spirits or wine by the drink for consumption on the
- 7 licensed premises to guests and patrons from additional locations other than the
- 8 main bar;
- 9 (63) "Territory" means a county, city, district, or precinct;
- 10 (64) "Urban-county administrator" means an urban-county alcoholic beverage control
- 11 administrator;
- 12 (65) "Vehicle" means any device or animal used to carry, convey, transport, or otherwise
- 13 move alcoholic beverages or any products, equipment, or appurtenances used to
- 14 manufacture, bottle, or sell these beverages;
- 15 (66) "Vintage distilled spirit" means a package or packages of distilled spirits that:
- 16 (a) Are in their original manufacturer's unopened container;
- 17 (b) Are not owned by a distillery; and
- 18 (c) Are not otherwise available for purchase from a licensed wholesaler within
- 19 the Commonwealth;
- 20 (67) "Warehouse" means any place in which alcoholic beverages are housed or stored;
- 21 (68) "Weak cider" means any fermented fruit-based beverage containing more than one
- 22 percent (1%) but less than seven percent (7%) alcohol by volume;
- 23 (69) "Wet" means a territory in which a majority of the electorate voted to permit all
- 24 forms of retail alcohol sales by a local option election under KRS 242.050 or
- 25 242.125 on the following question: "Are you in favor of the sale of alcoholic
- 26 beverages in (name of territory)?"
- 27 (70) "Wholesale sale" means a sale to any person for the purpose of resale;

- 1 (71) "Wholesaler" means any person who distributes alcoholic beverages for the purpose  
2 of being sold at retail, but it shall not include a subsidiary of a manufacturer or  
3 cooperative of a retail outlet;
- 4 (72) "Wine" means the product of the normal alcoholic fermentation of the juices of  
5 fruits, with the usual processes of manufacture and normal additions, and includes  
6 champagne and sparkling and fortified wine of an alcoholic content not to exceed  
7 twenty-four percent (24%) by volume. It includes sake, cider, hard cider, and perry  
8 cider and also includes preparations or mixtures vended in retail containers if these  
9 preparations or mixtures contain not more than fifteen percent (15%) of alcohol by  
10 volume. It does not include weak cider; and
- 11 (73) "Winery" means any place or premises in which wine is manufactured from any  
12 fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are  
13 compounded, except a place or premises that manufactures wine for sacramental  
14 purposes exclusively.