

1 AN ACT relating to alcohol in dry or moist territories.

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

3 ➔ Section 1. KRS 242.230 is amended to read as follows:

4 (1) No person in dry territory shall sell, barter, loan, give, procure for, or furnish
5 another, or keep or transport for sale, barter, or loan, directly or indirectly, any
6 alcoholic beverage.

7 (2) No person in moist territory shall sell, barter, loan, give, procure for, or furnish
8 another, or keep or transport for sale, barter, or loan, directly or indirectly, any
9 alcoholic beverage unless the sale of that alcoholic beverage has been specifically
10 authorized in that moist territory under a limited local option election.

11 (3) No person shall possess any alcoholic beverage unless it has been lawfully acquired
12 and is intended to be used lawfully, and in any action the defendant shall have the
13 burden of proving that the alcoholic beverages found in his or her possession were
14 lawfully acquired and were intended for lawful use.

15 (4) (a) It shall not be a violation of this section for an individual or his or her
16 guests to possess or consume alcoholic beverages in dry or moist territory if:

17 1. The alcoholic beverages were lawfully purchased;

18 2. The alcoholic beverages are not sold to any person;

19 3. Any person possessing or consuming alcohol is twenty-one (21) years
20 of age or older; and

21 4. The possession or consumption occurs at a private residence or an
22 unlicensed location rented for a private event that is not open to the
23 general public.

24 (b) A residence or unlicensed location being utilized in accordance with this
25 subsection shall not be considered a public place as defined in KRS
26 525.010, and an event shall be deemed private if admission fees are not
27 charged for entry.

1 ➔ Section 2. KRS 242.260 is amended to read as follows:

2 (1) It shall be unlawful for any person to bring into, transfer to another, deliver, or
3 distribute in any dry or moist territory, except as provided in subsection (2) of this
4 section, any alcoholic beverage, regardless of its name. Each package of such
5 beverage so brought, transferred, or delivered in such territory shall constitute a
6 separate offense. Nothing in this section shall be construed to prevent any distiller
7 or manufacturer or any authorized agent of a distiller, manufacturer, or wholesale
8 dealer from transporting or causing to be transported by a licensed carrier any
9 alcoholic beverage to their distilleries, breweries, wineries, or warehouses where the
10 sale of such beverage may be lawful, either in or out of the state.

11 (2) Subsection (1) of this section shall also apply to any moist territory unless the sale
12 of the alcoholic beverage in question has been specifically authorized in that moist
13 territory under a limited local option election.

14 (3) No properly licensed common carrier or any of its employees acting on behalf of a
15 consignor shall be liable for a violation of this section.

16 (4) Proof that the purchaser represented in writing that the delivery address is located in
17 wet territory shall be an absolute defense to a violation of this section on behalf of a
18 retailer, winery, small farm winery, or distillery in connection with the delivery or
19 shipment of alcoholic beverages purchased at retail.

20 (5) It shall not be a violation of this section for an individual to bring lawfully
21 purchased alcoholic beverages into a dry or moist territory to his or her own
22 residence, or to an unlicensed location that has been rented for a private event
23 that is not open to the general public and where the alcoholic beverages will not
24 be sold to guests. A residence or unlicensed location being utilized in accordance
25 with this subsection shall not be considered a public place as defined in KRS
26 525.010, and an event shall be deemed private if admission fees are not charged
27 for entry.

1 ➔Section 3. KRS 243.020 is amended to read as follows:

- 2 (1) A person shall not do any act authorized by any kind of license with respect to the
3 manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic
4 beverages unless the person holds or is an agent, servant, or employee of a person
5 who holds the kind of license that authorizes the act.
- 6 (2) The holding of any permit from the United States government to traffic in alcoholic
7 beverages without the corresponding requisite state and local licenses shall in all
8 cases raise a rebuttable presumption that the holder of the United States permit is
9 unlawfully trafficking in alcoholic beverages.
- 10 (3) Except as permitted by KRS 243.033, 243.036, 243.155, 243.157, and 243.260, a
11 person, conducting a place of business patronized by the public, who is not a
12 licensee authorized to sell alcoholic beverages, shall not permit any person to sell,
13 barter, loan, give away, or drink alcoholic beverages on the premises of the
14 ~~licensee's~~ place of business.
- 15 (4) A licensee shall not permit any consumer to possess, give away, or drink alcoholic
16 beverages on the licensed premises that are not purchased from the licensee.
- 17 (5) Any distilled spirits or wine in excess of three (3) gallons (twelve (12) liters) shall
18 not be stored or kept except upon the licensed premises of a licensee.
- 19 (6) In a moist territory, the only types of licenses that may be issued are those that
20 directly correspond with the types of sales approved by the voters through moist
21 elections within the territory, unless otherwise specifically authorized by statute.

22 ➔Section 4. KRS 243.033 is amended to read as follows:

- 23 (1) A caterer's license may be issued as a supplementary license to a caterer that holds a
24 quota retail package license, a quota retail drink license, an NQ1 license, an NQ2
25 license, or a limited restaurant license.
- 26 (2) The caterer's license may be issued as a primary license to a caterer in any wet
27 territory or in any moist territory under KRS 242.1244 for the premises that serves

1 as the caterer's commissary and designated banquet hall. No primary caterer's
2 license shall authorize alcoholic beverage sales at a premises that operates as a
3 restaurant. The alcoholic beverage stock of the caterer shall be kept under lock and
4 key at the licensed premises during the time that the alcoholic beverages are not
5 being used in conjunction with a catered function.

6 (3) The caterer's license shall authorize the caterer to:

7 (a) Purchase and store alcoholic beverages in the manner prescribed in KRS
8 243.088, 243.250, and 244.260;

9 (b) Transport, sell, serve, and deliver alcoholic beverages by the drink at locations
10 away from the licensed premises or at the caterer's designated banquet hall in
11 conjunction with the catering of food and alcoholic beverages for a customer
12 and the customer's guests, in:

13 1. Cities and counties established as moist territory under KRS 242.1244 if
14 the receipts from the catering of food at any catered event are at least
15 seventy percent (70%) of the gross receipts from the catering of both
16 food and alcoholic beverages;

17 2. Wet cities and counties in which quota retail drink licenses are not
18 available if the receipts from the catering of food at any catered event
19 are at least fifty percent (50%) of the gross receipts from the catering of
20 both food and alcoholic beverages; or

21 3. All other wet territory if the receipts from the catering of food at any
22 catered event are at least thirty-five percent (35%) of the gross receipts
23 from the catering of both food and alcoholic beverages;

24 (c) Receive and fill telephone orders for alcoholic beverages in conjunction with
25 the ordering of food for a catered event; and

26 (d) Receive payment for alcoholic beverages served at a catered event on a by-
27 the-drink, cash bar, or by-the-event basis. The caterer may bill the customer

1 for by-the-function sales of alcoholic beverages in the usual course of the
2 caterer's business.

3 (4) A caterer licensee shall not cater alcoholic beverages at locations for which retail
4 alcoholic beverage licenses or special temporary licenses have been issued. A
5 caterer licensee may cater a fundraising event for which a special temporary
6 alcoholic beverage auction license has been issued under KRS 243.036.

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

10 (6) A caterer licensee shall not cater alcoholic beverages at an event hosted by the
11 caterer licensee or hosted as a joint venture of the caterer licensee.

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

17 (8) The caterer licensee shall post a copy of the licensee's caterer's license at the
18 location of the function for which alcoholic beverages are catered.

19 (9) All restrictions and prohibitions applying to a quota retail drink licensee and an
20 NQ4 retail malt beverage drink licensee not inconsistent with this section shall
21 apply to the caterer licensee.

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

24 **(11) Notwithstanding subsection (3)(b) of this section, a caterer may serve alcoholic**
25 **beverages to guests who are twenty-one (21) years of age or older at a private**
26 **event in dry territory if:**

27 **(a) The alcoholic beverages were lawfully purchased and transported by the**

- 1 *individual hosting the private event; and*
- 2 *(b) The alcoholic beverages are not sold to guests.*