

243.034 Business authorized by limited restaurant license within wet territory or certain moist precincts -- Package sales prohibited -- Prohibition against sale of alcohol without meal -- Restrictions on purchasing.

- (1) A limited restaurant license may be issued to an establishment meeting the definition criteria established in KRS 241.010(39) 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 alcoholic beverages at retail by the drink for consumption on the licensed premises or off-premises consumption pursuant to KRS 243.081. The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors, except for purchases made pursuant to subsection (5) of this section. The license shall not authorize the licensee to sell alcoholic 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 limited restaurant as defined by KRS 241.010(39)(a) shall:
 - (a) Only sell alcoholic beverages incidental to the sale of a meal; and
 - (b) Not have an open bar and shall not sell alcoholic beverages to any person who has not purchased or does not purchase a meal.
- (5)
 - (a) The holder of a limited restaurant license may purchase alcoholic beverages by the package from licensees authorized to sell distilled spirits, wine, and malt beverages at retail, but only if those alcoholic beverages have first gone through the three (3) tier system.
 - (b) Any purchase made pursuant to this subsection shall:
 1. Only be sold by the drink for consumption on the licensed premises or off-premises consumption pursuant to KRS 243.081;
 2. Be reported quarterly on a form prescribed by the department; and
 3. Include a copy of each receipt of purchase.
 - (c) The holder of a limited restaurant license shall not purchase at retail more than:
 1. Nine (9) liters of distilled spirits per month;
 2. Nine (9) liters of wine per month; and
 3. Three (3) cases of malt beverages per month.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 82, sec. 33, effective March 25, 2025; and ch. 130, sec. 1, effective June 27, 2025. -- Amended 2022 Ky. Acts ch. 39, sec. 14, effective March 29, 2022. -- Amended 2021 Ky. Acts ch. 20, sec. 2, effective March 15, 2021. -- Amended 2020 Ky. Acts ch. 80, sec. 6, effective July 15, 2020. -- Amended 2017 Ky. Acts ch. 62, sec. 34, effective June 29, 2017. -- Amended 2016

Ky. Acts ch. 80, sec. 7, effective July 15, 2016. -- Amended 2014 Ky. Acts ch. 22, sec. 5, effective July 15, 2014. -- Created 2013 Ky. Acts ch. 121, sec. 37, effective June 25, 2013.

Legislative Research Commission Note (6/27/2025). This statute was amended by 2025 Ky. Acts chs. 82 and 130, which do not appear to be in conflict and have been codified together.