

**CHAPTER 123****(SB 79)**

AN ACT relating to alcoholic beverages.

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

Section 1. KRS 243.170 is amended to read as follows:

- (1) A wholesaler may sell, deliver and transport distilled spirits and wine at wholesale, and from the licensed premises only, to:
  - (a) Other wholesalers.
  - (b) Retailers.
  - (c) A point out of the state to persons authorized by the law of the state of their residence, and by the United States government if located in the United States, to receive the distilled spirits and wine.
- (2) A wholesaler may purchase distilled spirits and wine at wholesale from licensed distillers, rectifiers, vintners or other wholesalers and from nonresidents authorized by the law of the states of their residence, and by the United States government if located in the United States, to make the sales. A wholesaler may not transport distilled spirits and wine from any point to his own licensed premises, except as provided in subsection (4) of KRS 243.200.
- (3) No wholesaler shall sell or contract to sell, give away or deliver any distilled spirits or wine to any person in Kentucky who is not licensed to receive, possess, distribute or sell distilled spirits and wine, and in no event shall he sell or contract to sell, give away or deliver any distilled spirits or wine to any consumer. This section does not permit sales or deliveries of distilled spirits in Kentucky by licensed wholesalers to nonresidents who are not licensed by their own states.
- (4) *A wholesaler may extend credit on distilled spirits and wine sold to retail licensees for a period not to exceed thirty (30) days from the date of invoice, with the date of invoice included in the total number of days. When the thirty (30) day period has passed without payment in full, no wholesaler shall sell to the licensee except for cash on delivery.*

Section 2. KRS 244.230 is amended to read as follows:

- (1) ***KRS 244.260 and 244.340, notwithstanding***, the regulations of the Bureau of Internal Revenue in the United States Department of the Treasury, as they are now or may be hereafter, with respect to the labeling ***and standards of fill*** of distilled spirits and wine ***in their original sealed packages***, are adopted and any distilled spirits and wine shall be deemed to be properly labeled under all the laws of this state, if the labels ***and standards of fill*** conform to those regulations.
- (2) Distilled spirits not produced or bottled in the United States shall be labeled in the same manner that distilled spirits produced or bottled in this state are required to be labeled.
- (3) Subsections (1) and (2) shall not prevent the department from promulgating regulations on this subject that are in addition to but not contrary to the regulations of the Bureau of Internal Revenue in the United States Department of the Treasury.

**Approved April 9, 2004**