

CHAPTER 42**(HB 190)**

AN ACT relating to the sale of grocery items by food service establishments and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 217.280 TO 217.390 IS CREATED TO READ AS FOLLOWS:

- (1) *Legally permitted food service establishments shall be exempt from any state or local laws and administrative regulations that prohibit the sale of grocery items such as bread, milk, and other grocery staples to any customer.*
- (2) *Sales permitted under subsection (1) of this section shall be limited to no more than twenty-five percent (25%) of the food service establishment's gross annual sales for the federal tax year.*
- (3) *Notwithstanding KRS 217.125, no additional permit or permit fee shall be required for the sale of grocery items by legally permitted food service establishments unless the food service establishment violates subsection (2) of this section.*

➔Section 2. Whereas the economic impact of the state emergency declared in response to COVID-19 on Kentucky's food service establishments has been devastating and the sale of grocery items can be one path for the survival of restaurant industry, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 18, 2021.