

CHAPTER 38

(HB 252)

AN ACT relating to the age requirement for serving alcoholic beverages.

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

➔Section 1. KRS 244.090 is amended to read as follows:

- (1) A person holding any license shall not knowingly employ in connection with the licensed business any person who:
 - (a) Has been convicted of any felony within the last two (2) years;
 - (b) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of alcoholic beverages within the last two (2) years;
 - (c) ***For the purposes of selling and serving alcoholic beverages***, is under the age of twenty (20) years, unless the person~~[is]~~ employed ***is at least eighteen (18) years of age***:
 1. ~~In a bottling house or room of a licensed distiller, winery, brewer, or rectifier;~~
 2. ~~In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory;~~
 3. ~~At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age} and under the supervision of a person twenty (20) years of age or older{; or~~
 4. ~~In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages:~~
 - a. ~~A restaurant that derives at least fifty percent (50%) of its food and alcoholic beverage sales from the sale of food for consumption on the licensed premises; or~~
 - b. ~~Any other establishment with alcoholic beverage sales not exceeding fifty percent (50%) of its gross sales}; or~~
 - (d) Within two (2) years prior to the date of the person's employment, has had any license issued under KRS Chapters 241 to 244 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.
- (2) The provisions of paragraphs (a) and (b) of subsection (1) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (3) ***A person under the age of twenty (20) years of age whose employment is authorized under subsection (1) of this section shall not have duties that include bartending or any activities listed in KRS 529.010(3).***
- (4) ***A person who is at least eighteen (18) years of age whose employment does not include the sale or service of alcoholic beverages may work in the warehouse of a wholesaler or distributor if there is an employee on the premises who is twenty-one (21) years of age or older.***
- (5) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

Signed by Governor March 25, 2022.