

804 KAR 5:080. Vintage distilled spirits.

RELATES TO: KRS 241.010(66), 243.232

STATUTORY AUTHORITY: KRS 241.060(1), 243.232(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations governing procedures relative to the matters over which the board has jurisdiction. KRS 243.232(1) authorizes retailers licensed to sell distilled spirits by the drink or package to purchase vintage distilled spirits from unlicensed persons for resale to consumers in accordance with administrative regulations promulgated by the board. This administrative regulation establishes requirements governing the purchase and sale of vintage distilled spirits.

Section 1. Definition. (1) "Vintage distilled spirits seller":

(a) Means a non-licensed person at least twenty-one (21) years of age who is:

1. An administrator, executor, receiver, or other fiduciary who receives and sells vintage distilled spirits in execution of fiduciary capacity;
2. A creditor who receives or takes possession of vintage distilled spirits as security for, or in payment of, debt, in whole or in part;
3. A public officer or court official who levies on vintage distilled spirits under order or process of any court or magistrate to sell same in satisfaction of the order or process; or
4. Any other person not engaged in the business of selling alcoholic beverages who receives and sells vintage distilled spirits packages on an occasional basis in an amount of twenty-four (24) vintage distilled spirits packages or less in the preceding twelve (12) months; and

(b) Does not mean:

1. A person selling alcoholic beverages as part of an approved KRS 243.630 transfer; or
2. A person selling alcoholic beverages as authorized by KRS 243.540.

Section 2. Retailer Purchases of Vintage Distilled Spirits. (1) A licensed retailer authorized to purchase vintage distilled spirits for resale shall purchase all vintage distilled spirits in person at its licensed premises.

(2) At the time of purchase, the licensee shall immediately place a conspicuous sticker, not readily removable, on the bottle or container of any purchased vintage distilled spirits package stating "Vintage Distilled Spirit".

Section 3. Notice. Prior to selling vintage distilled spirits purchased from a vintage distilled spirits seller to a consumer, a licensee shall provide written notice of its purchase of the spirits by mail to the Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, or by email to vintagespirits@ky.gov. The notice shall contain the following information:

- (1) The name, address, state license number, and phone number of the licensee purchasing vintage distilled spirits;
- (2) The name, address, and phone number of the vintage distilled spirits seller;
- (3) The brand name and quantity of each vintage distilled spirits package purchased;
- (4) The date of the purchase; and
- (5) The number of packages that the licensee has previously purchased from the same vintage distilled spirits seller and the dates of those purchases.

Section 4. Federal Law. This administrative regulation shall not exempt a person from obeying any applicable federal laws. (45 Ky.R. 219; eff. 11-2-2018.)