

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(New Administrative Regulation)

804 KAR 11:041. Growlers.

RELATES TO: KRS 241.060

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060 authorizes the Alcoholic Beverage Control Board to regulate the sale of alcoholic beverages. This administrative regulation allows a licensee that holds a retail malt beverage license to sell growlers.

Section 1. Definition. "Growler" means a refillable, resealable vessel no larger than two (2) liters with a flip-top or screw-on lid into which a malt beverage is prefilled, filled, or refilled for off-premises consumption. "Growler" shall not mean a vessel of similar size or capacity that is primarily used for the storage of other non-alcoholic liquids.

Section 2. The holder of a license permitting malt beverage package sales for off-premises consumption may sell filled growlers at retail for off-premises consumption if:

- (1) The growler is cleaned and sanitized by the licensee or its employee prior to being filled as prescribed in Section 3 of this administrative regulation;
- (2) The growler is filled and securely resealed by the licensee or an employee at least eighteen (18) years old before being removed from the premises;
- (3) The growler has a label affixed to it, legibly stating:
 - (a) The brand name of the product;
 - (b) The name and address of the brewer or bottler;
 - (c) The class of product (beer, ale, porter, lager, bock, stout, or other brewed or fermented beverage);
 - (d) The name and address of the licensee that filled or refilled the growler;
 - (e) The following statement, "This product may be unfiltered and unpasteurized. Keep refrigerated at all times."; and
 - (f) The alcoholic beverage health warning statement as required by the Federal Alcohol Administration Act, 27 C.F.R. 16.20 through 16.22; and
- (4) The label is affixed to the vessel by:
 - (a) Neck hanger;
 - (b) Adhesive;
 - (c) String; or
 - (d) Other means.

Section 3. Cleaning, Sanitizing, Filling, and Sealing.

- (1) Filling and refilling growlers shall only occur at the request of a customer.
- (2) Except as provided by subsection (3) of this section, prior to refilling a growler, the growler and its cap shall be cleaned and sanitized by the licensee or its employee by:
 - (a) Manual washing in a -three compartment sink. The licensee or its employee shall:
 1. Prior to starting, clean sinks and work area to remove any chemicals, oils, or grease from other cleaning activities;
 2. Empty residual liquid from the growler to drain, but not into the cleaning water;
 3. Clean the growler and cap using detergent and water exceeding 110 degrees Fahrenheit, a temperature compliant with Kentucky Department for Public Health standards in 902 KAR 45:005, or the temperature specified on the detergent manufacturer's label instruction. Detergent shall not be fat- or oil-based;
 4. Remove any residues on the interior and exterior of the growler and cap;

5. Rinse the growler and cap in the middle compartment with water. Rinsing may be from the spigot with a spray arm, from a spigot or from the tub as long as the water for rinsing shall not be stagnant and shall be continually refreshed;
 6. Sanitize the growler and cap in the third compartment. Chemical sanitizer shall be used in accordance with the EPA-registered label use instructions and shall meet the minimum water temperature requirements of the chemical; and
 7. A test kit or other device that accurately measures the concentration of MG/L of chemical sanitizing solutions shall be provided and be readily accessible for use; or
- (b) Mechanical washing and sanitizing machine.
1. Mechanical washing and sanitizing machines shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer and shall be used according to the machine's design and operation specifications;
 2. Mechanical washing and sanitizing machines shall be equipped with chemical or hot water sanitization;
 3. Concentration of the sanitizing solution or the water temperature shall be accurately determined by using a test kit or other device; and
 4. The machine shall be regularly serviced based upon the manufacturer's or installer's guidelines.
- (3) Notwithstanding subsection (2) of this section, a growler may be filled or refilled without cleaning and sanitizing the growler by:
- (a) Filling or refilling a growler with a tube as referenced in subsection (4) of this section;
1. Food grade sanitizer shall be used in accordance with the EPA-registered label use instructions;
 2. A container of liquid food grade sanitizer shall be maintained for malt beverage taps that will be used for filling and refilling growlers;
 3. Each container shall contain tubes that will be used only for filling and refilling growlers;
 4. The growler is inspected visually for contamination;
 5. The growler is filled or refilled with a tube as prescribed in subsection (5) of this section; and
 6. A different tube from the container shall be used for each fill or refill of a growler; or
- (b) Filling a growler with a contamination-free process. The growler shall be:
1. Inspected visually for contamination; and
 2. Compliant with the Kentucky Food Code, incorporated by reference in 902 KAR 45:005.
- (4) Growlers shall be filled or refilled from the bottom of the growler to the top with a tube that is attached to the malt beverage faucet and extends to the bottom of the growler or with a commercial filling machine.
- (5) When not in use, tubes to fill or refill growlers shall be immersed and stored in a container with liquid food grade sanitizer.
- (6) A growler shall be closed with a flip-top or screw-on lid or cap and sealed in a manner designed to prevent consumption without conspicuous and evident tampering.

ALLYSON C TAYLOR, Commissioner
RAY PERRY, Secretary

APPROVED BY AGENCY: April 14, 2022
FILED WITH LRC: April 14, 2022 at 3:48 p.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. EST on June 27, 2022 at 500 Mero

Street, Room 127CW, Frankfort, Kentucky 40601. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the administrative regulation. Individuals interested in being heard at this hearing shall notify this agency of their intention to attend and comment in writing at least five workdays prior to the hearing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. If you do not wish to be heard at the public hearing, you may submit written comments on the administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. Written comments shall be accepted through 11:59 p.m. on June 30, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Joshua Newton, General Counsel, Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE #226, Frankfort, Kentucky 40601, phone (502) 782-0770, fax (502) 564-4850, email Joshua.Newton@ky.gov.