

**PUBLIC PROTECTION CABINET**  
**Department of Alcoholic Beverage Control**  
**(Amendment)**

**804 KAR 4:400. Applications incorporated by reference.**

RELATES TO: KRS 241.060(1), 243.090, 243.380, 243.390, 243.403, 243.405, 243.630

STATUTORY AUTHORITY: KRS 241.060(1), 243.380, 243.390, 243.401, 243.630

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction, including applications for alcoholic beverage and cannabis-infused beverage licenses. KRS 243.380(2) and 243.390 require the board to promulgate an administrative regulation to establish the form of license applications. KRS 243.401 mandates the department promulgate regulations to establish the rules and procedures for distribution and sale of cannabis-infused beverages. KRS 243.630(5) and (6) require licensees to apply in writing for department approval of the transfer of a license or a licensed business to a different premises or for the transfer of ten (10) percent or more ownership interest to a new person or entity. This administrative regulation prescribes the form of license applications utilized by the department.

Section 1. Definition. "Online portal" means the department's online licensing management portal located at <https://abcportal.ky.gov/BELLEExternal>.

Section 2. Online Application for Alcoholic Beverage or Cannabis-Infused Beverage License.

(1) An applicant for an alcoholic beverage or cannabis-infused beverage license shall complete the New License Application at the online portal.

(2) To renew a license pursuant to KRS 243.090 and 804 KAR 4:390, a licensee shall complete the License Renewal Application at the online portal.

Section 3. Transfer of Ownership Interest Application.

(1) A buyer seeking to acquire, or a licensee seeking to transfer ten (10) percent or more ownership interest in a licensed business shall complete the Transfer of Ownership Application at the online portal.

(2) Although a licensee is not required to file an application for ownership interest transfers of less than ten (10) percent, a licensee shall notify the department in writing of all ownership interest transfers of less than ten (10) percent of the licensed business at the online portal.~~}]~~

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "New License Application", June 2025;
- (b) ~~"}~~License Renewal Application", November 2024;
- (c) "Add Company Form"~~["forms package"]~~, November 2024;
- (d) "Affidavit", November 2024;
- (e) "Instructions", November 2024;
- (f) "Temporary License Application", November 2024;
- (g) "Additional License Application", November 2024;
- (h) "Transfer of Ownership Application", November 2024; and
- (i) "License Types List", June 2026~~[2025]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Alcoholic Beverage Control, 500 Mero St.~~2NE33~~,

Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's Web site, <http://www.abc.ky.gov/>.

*SCOTTY TRACY, Commissioner*  
*DJ WASSON, Secretary*

APPROVED BY AGENCY: June 11, 2026

FILED WITH LRC: June 11, 2026 at 2:30 pm.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on August 27, 2026, at 10:00 a.m. EDT, at 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through August 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Joshua Newton, General Counsel, Alcoholic Beverage Control, 500 Mero Street, Frankfort, Kentucky 40601; [Joshua.Newton@ky.gov](mailto:Joshua.Newton@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**Contact Person:** Joshua Newton Phone: 502-727-0770 Email: [joshua.newton@ky.gov](mailto:joshua.newton@ky.gov)

**Subject Headings:** Alcoholic Beverages, Cannabis and Cannabinoids, Licensing

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation prescribes the form of alcoholic beverage and cannabis-infused beverage license application forms on the department's online portal.

**(b) The necessity of this administrative regulation:**

The promulgation of this administrative regulation is mandated by KRS 241.060(1), 243.380, 243.390, and 243.401 to authorize and prescribe the application form of alcoholic beverage and cannabis-infused beverage license application forms.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

This administrative regulation includes only information and instructions necessary for orderly application to determine eligible alcoholic beverage and cannabis-infused beverage licensees

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

This administrative regulation assists in effective administration of statutes by providing prompts for applicants for alcoholic beverage or cannabis-infused beverage license(s) to demonstrate eligibility or ineligibility for the license(s) they are seeking.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

This amendment updates the administrative regulation to include the statutory authority for promulgating regulations regarding cannabis-infused beverages and amends the material incorporated by reference, specifically the License Types List, to include the application for the cannabis-infused beverage retail package license and the cannabis-infused beverage distributor's license.

**(b) The necessity of the amendment to this administrative regulation:**

This amendment is necessary to provide a pathway for businesses seeking to be licensed to sell cannabis-infused beverages at retail or wholesale to be licensed to do so in accordance with law.

**(c) How the amendment conforms to the content of the authorizing statutes:**

Regarding cannabis-infused beverages, this amendment to an administrative regulation includes only information and instructions necessary for orderly application to determine eligible cannabis-infused beverage licensees

**(d) How the amendment will assist in the effective administration of the statutes:**

This amendment to an existing administrative regulation assists in effective administration of statutes by providing prompts for applicants cannabis-infused beverage license(s) to demonstrate eligibility or ineligibility for the license(s) they are seeking.

**(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2025 Kentucky Laws Chapter 82 (SB 202) (2025).**

**(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

This regulation will affect all businesses seeking to continue selling cannabis-infused beverages at retail or wholesale after July 1, 2026. Under KRS 243.403, a cannabis-infused beverage retail package license is a supplemental license to a quota retail package license. Therefore, the number of retail businesses impacted by this amendment will not be greater than the number of quota retail package licenses able to be issued. As of this writing, that number is 1,888. The Department estimates fewer than 100 businesses will seek a cannabis-infused beverage distributor's license.

**(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:**

Businesses selling cannabis-infused beverages either at retail or wholesale under a permit issued by the Department of Public Health, who desire to continue to sell cannabis-infused beverages as such when, after July 1, 2026 those permits expire, will need to apply for a cannabis-infused beverage retail package license or a cannabis-infused beverage distributor's license, respectively, and pay the statutory application and license fees.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):**

It will cost these businesses statutorily prescribed amounts listed in KRS 243.030, which are offset by the statutorily prescribed, nonrefundable application fee of \$50, also provided under KRS 243.030.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):**

Compliance with the change to this administrative application will give these entities their best opportunity to be licensed and continue to sell cannabis-infused beverages at retail or wholesale depending on the license they're seeking

**(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

It will not cost the Department to implement this amendment to an administrative regulation, as it is an application form.

**(b) On a continuing basis:**

N/A

**(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:**

Statutory license and application fees.

**(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

There will be no need to increase fees or funding to implement this amendment.

**(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

This administrative regulation neither establishes fees nor increases fees.

**(10) TIERING: Is tiering applied?**

Tiering is not applied because each license has the same statutory requirements regardless of the entity seeking to hold it.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:**

KRS 241.060(1), 243.380, 243.390, 243.401, 243.630

**(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:**

This amendment to an administrative regulation is authorized by 2025 Kentucky Laws Chapter 82 (SB 202) (2025).

**(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:**

Department of Alcoholic Beverage Control

**(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):**

**1. Expenditures:**

**For the first year:None. Any additional expenditures are the result of statutory mandates, not this regulation.**

**For subsequent years:None.**

**2. Revenues:**

**For the first year:None. Any additional revenues are the result of statutory fees, not this regulation.**

**For subsequent years:None.**

**3. Cost Savings:**

**For the first year:None. Any cost savings are the result of statutory savings, not this regulation.**

**For subsequent years:None.**

**(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

N/A

**(b) Estimate the following for each affected local entity identified in (4)(a):**

**1. Expenditures:**

**For the first year:N/A**

**For subsequent years:N/A**

**2. Revenues:**

**For the first year:N/A**

**For subsequent years:N/A**

**3. Cost Savings:**

**For the first year:N/A**

**For subsequent years:N/A**

**(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):**

Cannabis-infused beverage retailers and distributors

**(b) Estimate the following for each regulated entity identified in (5)(a):**

**1. Expenditures:**

**For the first year:None. Any additional expenditures are the result of statutory mandates, not this regulation.**

**For subsequent years:None.**

**2. Revenues:**

**For the first year:None. Any additional revenues are the result of statutory fees, not this regulation.**

**For subsequent years:None.**

**3. Cost Savings:**

**For the first year:None. Any cost savings are the result of statutory savings, not this regulation.**

**For subsequent years:None.**

**(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)**

**(a) Fiscal impact of this administrative regulation:**

This regulation creates a statutorily mandated application form. It does not create costs, revenues, or savings.

**(b) Methodology and resources used to reach this conclusion:**

N/A

**(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):**

**(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):**

This administrative regulation will not have a "major economic impact" because any economic impacts are the result of statutory requirements, not regulatory ones.

**(b) The methodology and resources used to reach this conclusion:**

N/A