

244.290 Sales of distilled spirits or wine when polls are open permitted in wet or moist territory -- Power of local governments to regulate -- Sunday sales.

- (1) (a) A licensee authorized to sell distilled spirits or wine at retail shall be permitted to sell and deliver distilled spirits and wine during the hours the polls are open on any primary, or regular, local option, or special election day unless it is located where the legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or the fiscal court of a county adopts an ordinance after June 25, 2013, that prohibits the sale of distilled spirits and wine or limits the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries on any primary, or regular, local option, or special election day during the hours the polls are open.
- (b) This subsection shall only apply in a wet or moist territory.
- (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the contrary, the fiscal court of a county shall not by ordinance or any other means:
 1. Supersede, reverse, or modify any decision made pursuant to this subsection by the legislative body of a city within that county; or
 2. Impose an action upon a city within that county when that city has taken no formal action pursuant to this subsection.
- (2) In any county containing a city of the first class, or a city with a population equal to or greater than twenty thousand (20,000) based upon the most recent federal decennial census in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.
- (3) Except as permitted by KRS 243.050 and subsection (4) of this section, a licensee authorized to sell distilled spirits or wine at retail shall not sell or deliver distilled spirits and wine between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday.
- (4) A licensee authorized to sell distilled spirits and wine at retail may sell and deliver distilled spirits and wine on Sunday and during the hours and times as permitted by local ordinance of the legislative body of a city, urban-county government, consolidated local government, charter county government, unified local government, or the county with local jurisdiction. These ordinances shall not prohibit the sale, gift, or delivery of distilled spirits or wine between 6 a.m. and 12 midnight any day, except Sunday.
- (5) In any territory containing a licensed small farm winery that is permitted to sell alcoholic beverages under KRS Chapter 242, the sale of alcoholic beverages at the small farm winery on Sunday may be permitted if:
 - (a) The legislative body of the local government having jurisdiction approves by local ordinance the sale of alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 on the licensed premises of a small

- farm winery during the hours and times as permitted in the local ordinance; or
- (b) A limited sale precinct election on the issue of Sunday sales is approved after meeting the requirements of KRS 242.1241.
- (6) In any county containing a city of the first class or in any city located in that county in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits administrator may issue a license to holders of a quota retail drink license or a special private club license that permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.

Effective: July 15, 2020

History: Amended 2020 Ky. Acts ch. 102, sec. 11, effective July 15, 2020. -- Amended 2017 Ky. Acts ch. 62, sec. 106, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 80, sec. 17, effective July 15, 2016. -- Amended 2014 Ky. Acts ch. 22, sec. 22, effective July 15, 2014; ch. 92, sec. 300, effective January 1, 2015; and ch. 115, sec. 1, effective July 15, 2014; -- Amended 2013 Ky. Acts ch. 121, sec. 91, effective June 25, 2013. -- Amended 2012 Ky. Acts ch. 125, sec. 9, effective July 12, 2012. -- Amended 2007 Ky. Acts ch. 99, sec. 10, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 435, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 522, sec. 21, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 252, sec. 2, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 219, sec. 4, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 176, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 340, sec. 1, effective July 15, 1982; and ch. 411, sec. 2, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 335, sec. 4. -- Amended 1944 Ky. Acts ch. 154, sec. 27. -- Amended 1942 Ky. Acts ch. 168, secs. 7 and 16. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-179.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.