

**243.0307 Sampling license -- Sampling and sale of alcoholic beverages on premises of licensed retailer.**

- (1) A sampling license may be issued to the holder of:
  - (a) A quota retail drink license;
  - (b) A quota retail package license;
  - (c) A nonquota retail malt beverage package license;
  - (d) An NQ1 license;
  - (e) An NQ2 license;
  - (f) An NQ4 retail malt beverage drink license; or
  - (g) A distiller's license.
- (2) A sampling license shall authorize the licensee to allow customers to sample, free of charge, distilled spirits, wine, and malt beverages under the following conditions:
  - (a) Sampling shall be permitted only on licensed premises and by licensees holding a sampling license, during regular business hours;
  - (b) A distillery shall provide samples as authorized by KRS 243.0305;
  - (c) All other licensees shall limit a customer to:
    1. One (1) ounce of distilled spirits samples per day;
    2. Six (6) ounces of wine samples per day; or
    3. Twelve (12) ounces of malt beverage samples per day; and
  - (d) A brewer, microbrewery, or out-of-state malt beverage supplier may conduct a sampling of malt beverages as permitted by this section at the licensed premises of a retailer licensee holding a sampling license.
- (3) Retailers holding a sampling license shall:
  - (a) Notify the Department of Alcoholic Beverage Control at least seven (7) days in advance of conducting a free sampling event; and
  - (b) Limit a sampling event to a period not to exceed four (4) consecutive hours between 12 noon and 8 p.m.
- (4) In addition to free sampling, a quota retail package licensee holding a sampling license may also sell sample distilled spirits and wine under the following conditions:
  - (a) Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours; and
  - (b) A licensee shall limit a customer to purchased samples totaling no more than:
    1. Two (2) ounces of distilled spirits per day; and
    2. Nine (9) ounces of wine per day.
- (5) A quota retail package licensee holding both a sampling license and a nonquota retail malt beverage package license may also sell samples of malt beverages under the following conditions:
  - (a) Paid samples may be sold only on licensed premises and by licensees holding a sampling license, during regular business hours;

- (b) A licensee shall limit a customer to no more than sixteen (16) ounces of malt beverages per day; and
  - (c) The retail price of a sample shall not be less than a licensee's purchase cost of the sample.
- (6) No customer shall be allowed to receive a combination of free and purchased samples totaling more than:
- (a) Two (2) ounces of distilled spirits per day; and
  - (b) Nine (9) ounces of wine per day.
- (7) Free and paid samples provided under this section shall not constitute drink sales.

**Effective:** July 15, 2020

**History:** Amended 2020 Ky. Acts ch. 102, sec. 12, effective July 15, 2020. -- Created 2017 Ky. Acts ch. 62, sec. 28, effective June 29, 2017.