

AN ACT relating to sampling licenses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

A sampling license may be issued under the following conditions to a culinary program conducted by a regionally accredited college or university that is licensed in the state of Kentucky:

(1) As used in this section, a "culinary sampling license" means a sampling license issued to a college or university conducting a culinary program that includes the study of food, beverages, or both.

(2) The college or university shall not sell alcoholic beverages at retail unless specifically authorized by the department under a different license. No alcoholic beverages shall be sold in connection with the culinary sampling license.

(3) (a) The culinary program shall be specifically designated by the college or university with an established curriculum as a part of undergraduate, graduate, postgraduate, or independent studies. The curriculum shall clearly state which classes include the sampling of alcoholic beverages. The culinary program may be part of a curriculum emphasizing areas such as:

1. Business and finance;

2. The hospitality industry;

3. Tourism and event management; or

4. The manufacture, sale, history, culture, branding, sensory evaluation, or understanding of selected alcoholic beverages.

(b) The licensee shall provide:

1. The department with a specific written plan for the handling and storage of alcoholic beverages in its possession;

2. A separate locked department on its campus in which all stocks of

alcoholic beverages are kept when not in use for the culinary sampling license; and

3. A monthly inventory log of alcoholic beverages in its possession to the college or university's office of finance or its equivalent.

(c) A culinary program instructor may only dispense or serve alcoholic beverages for sampling in a culinary program class if the instructor has completed the department's Server Training in Alcohol Regulations program.

(4) No student or other person shall be served samples under this section unless he or she is twenty-one (21) years of age or older on the first day of any class where the samples will be served.

(5) A licensee under this section shall limit a person to:

(a) One and three-fourths (1.75) ounces of distilled spirits samples per day;

(b) Six (6) ounces of wine samples per day; and

(c) Sixteen (16) ounces of malt beverage samples per day.

(6) Any alcoholic beverages used for sampling under a culinary sampling license shall be purchased from a retailer holding a quota retail package license.

(7) A licensee or applicant under this section shall not be required to possess a different alcoholic beverage license as a prerequisite to receiving a culinary sampling license.

➔Section 2. KRS 244.050 is amended to read as follows:

- (1) No retail licensee shall give away any alcoholic beverage in any quantity or deliver it in any quantity for less than a full monetary consideration, except as provided by KRS 243.155, 243.157, and subsection (2) of this section.
- (2) The holder of a quota retail drink license, a quota retail package license, an NQ2 license, or a distillery license may, after acquiring a sampling license, allow customers to sample distilled spirits and wine 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 licensee shall not charge for the samples provided to customers;
 - (c) Sample sizes shall not exceed:
 - 1. One (1) ounce for wine; and
 - 2. One-half (1/2) ounce for distilled spirits; and
 - (d) A licensee shall limit a customer to:
 - 1. Two (2) distilled spirits samples per day; and
 - 2. Six (6) wine samples per day.
- (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 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) This section shall not apply to sampling licenses issued under Section 1 of this Act.