

1 AN ACT relating to educational programs.

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

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

5 *(1) An exemption from the sampling license requirements of KRS Chapters 241 to*
6 *244 may be granted to an educational program under this section. As used in this*
7 *section, an "educational program" means a course of study:*

8 *(a) Conducted by a regionally accredited college or university that is licensed in*
9 *the state of Kentucky; and*

10 *(b) That includes the study of any one (1) or combination of:*

11 *1. Food;*

12 *2. Beverages; or*

13 *3. An industry, occupation, or other subject related to food or beverages.*

14 *(2) The college or university shall not sell alcoholic beverages at retail unless*
15 *specifically authorized by the department under an alcoholic beverage retail*
16 *license. No alcoholic beverages shall be sold in connection with an educational*
17 *program.*

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

24 *1. Business and finance;*

25 *2. The hospitality industry;*

26 *3. Tourism and event management;*

27 *4. The sale, history, culture, branding, sensory evaluation, or*

1 understanding of selected alcoholic beverages;

2 5. The production of distilled spirits, wine, and malt beverages; or

3 6. The service of alcoholic beverages.

4 (b) The college or university program director responsible for oversight of the
5 educational program shall also be responsible for the handling and storage
6 of the alcoholic beverages and complying with any prohibitions against the
7 sale or use of the alcoholic beverages. The program director shall only
8 authorize an educational program instructor to dispense or serve alcoholic
9 beverages for sampling in an educational program class if the instructor
10 has completed the department's Server Training in Alcohol Regulations
11 program.

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

15 (5) An educational program conducting sampling under this section shall limit
16 alcoholic beverage sampling for each person to:

17 (a) Two (2) ounces of distilled spirits samples per day;

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

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

20 (6) Any alcoholic beverages used for sampling under an educational program shall
21 be purchased by the college or university from a retailer holding a quota retail
22 package license.

23 (7) An educational program under this section shall not be required to possess an
24 alcoholic beverage license as a prerequisite to conducting sampling under this
25 section.

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

27 (1) No retail licensee shall give away any alcoholic beverage in any quantity or deliver

1 it in any quantity for less than a full monetary consideration, except as provided by
2 KRS 243.0305, 243.155, 243.157, and subsection (2) of this section.

3 (2) The holder of a quota retail drink license, a quota retail package license, an NQ2
4 license, or a distillery license may, after acquiring a sampling license, allow
5 customers to sample, free of charge, distilled spirits and wine under the following
6 conditions:

7 (a) Free sampling shall be permitted only on licensed premises and by licensees
8 holding a sampling license, during regular business hours; and

9 (b) Except as authorized by KRS 243.0305, a licensee shall limit a customer to:

10 1. One (1) ounce of free distilled spirits samples per day; and

11 2. Six (6) ounces of free wine samples per day.

12 (3) Retailers holding a sampling license shall:

13 (a) Notify the Department of Alcoholic Beverage Control at least seven (7) days
14 in advance of conducting a free sampling event; and

15 (b) Limit a free sampling event to a period not to exceed four (4) consecutive
16 hours between 12 noon and 8 p.m.

17 (4) In addition to free sampling, a quota retail package licensee holding a sampling
18 license may also sell sample distilled spirits and wine under the following
19 conditions:

20 (a) Paid samples may be sold only on licensed premises and by licensees holding
21 a sampling license, during regular business hours; and

22 (b) A licensee shall limit a customer to purchased samples totaling no more than:

23 1. Two (2) ounces of distilled spirits per day; and

24 2. Nine (9) ounces of wine per day.

25 (5) A quota retail package licensee holding both a sampling license and a nonquota
26 retail malt beverage package license may also sell samples of malt beverages under
27 the following conditions:

- 1 (a) Paid samples may be sold only on licensed premises and by licensees holding
2 a sampling license, during regular business hours;
- 3 (b) A licensee shall limit a customer to no more than sixteen (16) ounces of malt
4 beverages per day;
- 5 (c) Nothing in this subsection shall allow a quota retail package licensee to
6 provide a customer samples of malt beverages free of charge;
- 7 (d) The retail price of a sample shall not be less than a licensee's purchase cost of
8 the sample; and
- 9 (e) A licensee, supplier, or individual shall not request, require, or allow a
10 distributor to provide malt beverages free of charge or participate in any
11 activity allowed under this subsection.
- 12 (6) No customer shall be allowed to receive a combination of free and purchased
13 samples totaling more than:
- 14 (a) Two (2) ounces of distilled spirits per day; and
15 (b) Nine (9) ounces of wine per day.
- 16 (7) Samples sold under subsections (4) and (5) of this section shall not constitute drink
17 sales.
- 18 **(8) An educational program conducting sampling under Section 1 of this Act shall**
19 **be exempt from this section.**