

1 AN ACT relating to direct shipment of alcoholic beverages and declaring an  
2 emergency.

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

4 ➔Section 1. KRS 243.0305 is amended to read as follows:

- 5 (1) Any licensed Kentucky distiller that is located in wet territory or in any precinct that  
6 has authorized the limited sale of alcoholic beverages at distilleries under KRS  
7 242.1243 and that has a gift shop or other retail outlet on its premises may conduct  
8 the activities permitted under this section as a part of its distiller's license.
- 9 (2) ***For purposes of all retail drink and package sales under this section,*** a wholesaler  
10 registered to distribute the brands of any distiller ~~shall~~~~may~~ permit the distiller to  
11 deliver ~~its products~~~~[a souvenir package]~~ directly from the distillery proper to any  
12 portion of the distillery premises. However, ***for purposes of all retail drink and***  
13 ***package sales by distillers under subsections (3), (8), and (9) of this section*** all  
14 direct shipments shall be invoiced from the distiller to the wholesaler and from the  
15 wholesaler to the distiller, and all products directly shipped shall be included in the  
16 wholesaler's inventory and depletions for purposes of tax collections imposed  
17 pursuant to KRS 243.710 to 243.895 and 243.990.
- 18 (3) A distiller may sell souvenir packages at retail~~[-to]~~;
- 19 ***(a) To*** distillery visitors of legal drinking age, in quantities not to exceed an  
20 aggregate of ~~nine~~~~[four and one-half (4 1/2)]~~ liters per ~~purchaser~~~~[visitor]~~ per  
21 day. ***At the purchaser's request, an order may be delivered or shipped***  
22 ***directly to the purchaser. All deliveries or shipments shall be made through***  
23 ***a licensed common carrier authorized to deliver or ship distilled spirits in***  
24 ***the jurisdiction to which the products will be delivered or shipped; and***
- 25 ***(b) Pursuant to monthly subscription or distillery-sponsored club programs, in***  
26 ***quantities not to exceed an aggregate of nine (9) liters per calendar year, if***  
27 ***the enrollment and payment for the subscription or club is arranged in***

1           *person at the distillery. At the member's request, an order may be delivered*  
2           *or shipped directly to the member. All deliveries or shipments shall be made*  
3           *through a licensed common carrier authorized to deliver or ship distilled*  
4           *spirits in the jurisdiction to which the products will be delivered or shipped.*

- 5 (4) Hours of sale for souvenir packages at retail shall be in conformity with KRS  
6 244.290(3).
- 7 (5) Except as provided in this section, souvenir package sales shall be governed by all  
8 the statutes and administrative regulations governing the retail sale of distilled  
9 spirits by the package.
- 10 (6) No wholesaler may restrict the sale of souvenir packages to the distiller of origin  
11 exclusively, but shall make souvenir packages available to any Kentucky retail  
12 licensee licensed for the sale of distilled spirits by the package.
- 13 (7) Notwithstanding any provision of KRS 244.050 to the contrary, a distillery holding  
14 a sampling license may allow visitors to sample distilled spirits under the following  
15 conditions:
- 16 (a) Sampling shall be permitted only on the licensed premises during regular  
17 business hours;
- 18 (b) A distillery shall not charge for the samples; and
- 19 (c) A distillery shall not provide more than one and three-fourths (1-3/4) ounces  
20 of samples per visitor per day.
- 21 (8) *Notwithstanding the provisions of KRS 243.110,* in accordance with this section, a  
22 distillery located in wet territory or in any territory that has authorized the limited  
23 sale of alcoholic beverages under an election held pursuant to KRS 242.1243 may:
- 24 (a) Hold an NQ2 retail drink license for the sale of alcoholic beverages on the  
25 distillery premises~~[- Notwithstanding KRS 243.110, a licensed distiller may~~  
26 ~~also hold any of the retail licenses available to it under this section];~~ *and*
- 27 (b) ~~[Sell alcoholic beverages produced or bottled on the premises of its Kentucky~~

- 1           ~~licensed distillery for on premises purposes without having to transfer~~  
2           ~~physical possession of those alcoholic beverages to a licensed wholesaler if:~~
- 3           ~~1.—All direct shipments are invoiced from the distiller to its wholesaler and~~  
4           ~~from the wholesaler to the distiller; and~~
- 5           ~~2.—All products directly shipped are included in the wholesaler's inventory~~  
6           ~~and depletions for purposes of tax collections imposed pursuant to KRS~~  
7           ~~243.710 to 243.890 and 243.990; and~~
- 8           ~~(e)—~~Employ persons to engage in the sale or service of alcohol under an NQ2  
9           license, if each employee completes the department's Server Training in  
10          Alcohol Regulations program within thirty (30) days of beginning  
11          employment.
- 12       (9) A distiller may sell to consumers at fairs, festivals, and other similar types of events  
13          located in wet territory alcoholic beverages by the drink, containing spirits distilled  
14          or bottled on the premises of the distillery.
- 15       (10) Except as expressly stated in this section, this section does not exempt the holder of  
16          a distiller's license from:
- 17               (a) The provisions of KRS Chapters 241 to 244;  
18               (b) The administrative regulations of the board; and  
19               (c) Regulation by the board at all the distiller's licensed premises.
- 20       (11) Nothing in this section shall be construed to vitiate the policy of this  
21          Commonwealth supporting an orderly three (3) tier system for the production and  
22          sale of alcoholic beverages.
- 23       ➔Section 2. KRS 243.120 is amended to read as follows:
- 24       (1) A distiller's, rectifier's, or winery license shall authorize the licensee to engage in  
25          the business of distiller, rectifier, or winery at the premises specifically designated  
26          in the license, to maintain aging warehouses, and to transport for himself or herself  
27          only any alcoholic beverage which he or she is authorized under the license to

1 manufacture or sell. The licensee shall transport alcoholic beverages only by a  
2 vehicle operated by himself or herself, which has affixed to its sides at all times a  
3 sign of form and size prescribed by the state board, containing among other things  
4 the name and license number of the licensee. No distilled spirits or wine shall be  
5 transported on the same truck or vehicle with malt beverages, except by a common  
6 carrier, unless the owner of the truck or vehicle holds a distributor's license.

- 7 (2) (a) Distillers that produce more than fifty thousand (50,000) gallons of distilled  
8 spirits per calendar year at the premises shall obtain a distiller's license, Class  
9 A.
- 10 (b) Distillers that produce fifty thousand (50,000) gallons or less of distilled  
11 spirits per calendar year at the premises shall obtain a distiller's license, Class  
12 B (craft distillery).
- 13 (3) (a) Rectifiers that rectify more than fifty thousand (50,000) gallons of distilled  
14 spirits per calendar year at the premises shall obtain a rectifier's license, Class  
15 A.
- 16 (b) Rectifiers that rectify fifty thousand (50,000) gallons or less of distilled spirits  
17 per calendar year at the premises shall obtain a rectifier's license, Class B  
18 (craft rectifier).
- 19 (4) (a) A distiller that is located in wet territory, or in any precinct that has authorized  
20 the limited sale of alcoholic beverages at distilleries under KRS 242.1243,  
21 may sell distilled spirits by the drink or by the package at retail to consumers  
22 in accordance with KRS 243.0305.
- 23 (b) Any distilled spirits sold under this subsection shall be taxed and distributed  
24 in the same manner as ~~souvenir package~~ sales under KRS 243.0305(2).
- 25 (c) Except as provided in this subsection, sales under this subsection shall be  
26 governed by all of the statutes and administrative regulations governing the  
27 retail sale of distilled spirits ~~by the drink~~.

1 **(5) Nothing in this section shall be construed to:**

2 **(a) Vitiating the policy of this Commonwealth supporting an orderly three (3) tier**  
3 **system for the production and sale of alcoholic beverages; or**

4 **(b) Allow delivery or shipment of alcohol into dry or moist territory.**

5 ➔Section 3. KRS 243.130 is amended to read as follows:

- 6 (1) Sales and deliveries of distilled spirits and wine may be made at wholesale, and  
7 from the licensed premises only:
- 8 (a) By distillers to rectifiers, wineries, holders of special nonbeverage alcohol  
9 licenses so far as they may make the purchases, or other distillers;
- 10 (b) By rectifiers to wineries or to distillers if distilled spirits sold to distillers are  
11 packaged in retail containers;
- 12 (c) By wineries to rectifiers or other wineries, or to the holders of special  
13 nonbeverage alcohol licenses;
- 14 (d) By distillers, rectifiers, or wineries to wholesalers; or
- 15 (e) By distillers, rectifiers, or wineries for export out of the state.
- 16 (2) No distiller, rectifier, or winery shall sell or contract to sell, give away, or deliver  
17 any alcoholic beverages to any person who is not authorized by the law of the state  
18 of the person's residence, and of the United States government if located in the  
19 United States, to receive and possess those alcoholic beverages. **Except as provided**  
20 **in Section 1 of this Act,** no distiller, rectifier, or winery shall sell or contract to sell,  
21 give away, or deliver any of its products to any retailer or consumer in Kentucky.
- 22 (3) Employees of distillers, rectifiers, and wineries may sample the products produced  
23 by that manufacturer for purposes of education, quality control, and product  
24 development.
- 25 (4) Distillers may purchase distilled spirits only from other licensed distillers in this  
26 state or in another state or province, but distillers may purchase from rectifiers  
27 licensed in Kentucky, distilled spirits which are packaged in retail containers.

- 1 (5) Rectifiers may purchase distilled spirits and wine only from licensed distillers or  
2 wineries in Kentucky, or from nonresident distillers or wineries authorized by the  
3 law of the state of their residence and by the United States government, if the  
4 distillers or wineries are located in the United States, to make the sales.
- 5 (6) Wineries may purchase distilled spirits or wine only from licensed distillers or  
6 wineries in Kentucky, or from nonresident distillers or wineries authorized by law  
7 of the state of their residence, and by the United States government if located in the  
8 United States, to make the sales.
- 9 (7) Nothing shall prohibit the purchase or sale of warehouse receipts by any person, but  
10 this subsection does not authorize the owner of a warehouse receipt to accept  
11 delivery of any distilled spirits unless the owner is a person who is permitted by law  
12 to receive the distilled spirits.

13 **(8) Nothing in this section shall be construed to:**

14 **(a) Vitiating the policy of this Commonwealth supporting an orderly three (3) tier**  
15 **system for the production and sale of alcoholic beverages; or**

16 **(b) Allow delivery or shipment of alcohol into dry or moist territory.**

17 ➔Section 4. KRS 243.155 is amended to read as follows:

- 18 (1) Any in-state or out-of-state small farm winery may apply for a small farm winery  
19 license. In addition to all other licensing requirements, an applicant for a small farm  
20 winery license shall submit with its application a copy of the small farm winery's  
21 federal basic permit and proof documenting its annual wine production. An out-of-  
22 state winery shall submit additional documentation evidencing its resident state. As  
23 part of the application process, an out-of-state winery shall publish its notice of  
24 intent, as required by KRS 243.360, in the Kentucky newspaper of highest  
25 circulation. The board shall promulgate administrative regulations establishing the  
26 form the documentation of proof of production shall take.
- 27 (2) A small farm winery license shall authorize the licensee to perform the following

1 functions without having to obtain separate licenses, except that each small farm  
2 winery off-premises retail site shall be separately licensed:

- 3 (a) Engage in the business of a winery under the terms and conditions of KRS  
4 243.120 and 243.130. The manufacture of wine at the small farm winery shall  
5 not be less than two hundred fifty (250) gallons, and shall not exceed one  
6 hundred thousand (100,000) gallons, in one (1) year;
- 7 (b) Bottle wines produced by that small farm winery and other licensed small  
8 farm wineries;
- 9 (c) Enter into an agreement with another licensed small farm winery under which  
10 it crushes, processes, ferments, bottles, or any combination of these services,  
11 the grapes, fruits, or other agricultural products of the other small farm winery  
12 for a production year. The resulting wine shall be considered the product of  
13 the small farm winery that provides the fruit. The small farm winery providing  
14 the custom crushing services may exclude the wine produced under this  
15 paragraph from its annual production gallonage;
- 16 (d) If the licensed small farm winery or off-premises retail site premises is located  
17 in wet territory or in a precinct that has authorized alcoholic beverage sales by  
18 the small farm winery under KRS 242.124:
- 19 1. Serve complimentary samples of wine produced by it in amounts not to  
20 exceed six (6) ounces per patron per day; and
  - 21 2. Sell by the drink for on-premises consumption or by the package wine  
22 produced by it or by another licensed small farm winery, at retail to  
23 consumers;
- 24 (e) Sell by the drink or by the package, at fairs, festivals, and other similar types  
25 of events, wine produced by it or by another licensed small farm winery, at  
26 retail to consumers if all sales occur in a wet territory;
- 27 (f) Sell and transport wine produced by it to licensed small farm winery off-

1 premises retail sites, wholesale license holders, and small farm winery license  
2 holders;

3 (g) Consume on the premises wine produced by the small farm winery or a  
4 licensed small farm winery and purchased by the drink or by the package at  
5 the licensed premises, if the small farm winery is located in wet territory; and

6 (h) Deliver or ship packages of wine at retail:

7 1. To small farm winery visitors of legal drinking age, in quantities not  
8 to exceed four (4) cases per purchaser per day. A winery shall deliver  
9 or ship the packages to the purchaser through a licensed common  
10 carrier that is authorized to deliver or ship wine in the jurisdiction to  
11 which the products will be delivered or shipped; and

12 2. Pursuant to monthly subscription or small farm winery-sponsored  
13 club programs, in quantities not to exceed an aggregate of one (1) case  
14 per month per calendar year, if the enrollment and payment for the  
15 subscription or club is arranged in person at the small farm winery. At  
16 the member's request, an order may be delivered or shipped directly to  
17 the member. All deliveries or shipments shall be made through a  
18 licensed common carrier authorized to deliver or ship wine in the  
19 jurisdiction to which the products will be delivered or shipped ~~to a~~

20 customer wine produced by a small farm winery if:

21 1. ~~The wine is shipped by licensed common carrier; and~~

22 2. ~~The amount of wine shipped is limited to two (2) cases per customer per~~  
23 ~~order].~~

24 (3) If the requirements of KRS 242.1241 or 244.290(5) relating to Sunday sales on the  
25 licensed premises of a small farm winery are met, a small farm winery within that  
26 territory may sell alcoholic beverages on Sunday only in accordance with this  
27 section between the hours of 1 p.m. until the prevailing time for that locality.



- 1 (4) A small farm winery license holder may also hold an NQ2 retail drink license or an  
2 NQ4 retail malt beverage drink license if:
- 3 (a) The small farm winery is located in wet territory or in a precinct that has  
4 authorized alcoholic beverage sales by the small farm winery under KRS  
5 242.124; and
- 6 (b) The issuance of these licenses is in connection with the establishment and  
7 operation of a restaurant, hotel, inn, bed and breakfast, conference center, or  
8 any similar business enterprise designed to promote viticulture, enology, and  
9 tourism.
- 10 (5) This section shall not exempt the holder of a small farm winery license from the  
11 provisions of KRS Chapters 241 to 244, nor from the administrative regulations of  
12 the board, nor from regulation by the board at all premises licensed by the small  
13 farm winery, except as expressly stated in this section.
- 14 (6) Nothing contained in this section shall exempt a licensed out-of-state winery from  
15 obeying the laws of its resident state.
- 16 (7) Upon the approval of the department, a small farm winery license may be renewed  
17 after the licensee submits to the department the winery's federal basic permit and  
18 proof of its annual wine production.
- 19 (8) An employee of a small farm winery may sample the products produced by that  
20 small farm winery for purposes of education, quality control, and product  
21 development.
- 22 ➔Section 5. KRS 243.200 is amended to read as follows:
- 23 (1) A transporter's license may be issued as a primary license to a motor carrier  
24 authorized to transact business in the Commonwealth by the Transportation Cabinet  
25 or the Federal Motor Carrier Safety Administration or to another person engaged in  
26 business as a common carrier. A person holding a transporter's license may  
27 transport alcoholic beverages to or from the licensed premises of any licensee under

1 this chapter to an individual from a person holding a quota retail package license,  
2 a nonquota malt beverage package license, microbrewery, or an in-person  
3 purchase from a Kentucky-licensed distillery or small farm winery if both the  
4 consignor and consignee in each case are authorized by the law of the states of their  
5 residence to sell, purchase, deliver, ship, or receive the alcoholic beverages.

6 (2) A transporter may deliver or ship directly to consumers over twenty-one (21)  
7 years of age in packages clearly marked "Alcoholic Beverages, adult signature  
8 (21 years of age or over) required," and shall request adult-signature-only service  
9 from the carrier. Deliveries or shipments of alcoholic beverages shall only be  
10 made into areas of the state in which alcoholic beverages may be lawfully sold.  
11 When the shipper requests adult-signature-only service, it shall be a violation for  
12 a common carrier not to inspect government-issued identification for proof of age  
13 or to knowingly deliver or ship alcoholic beverages into areas of the state in  
14 which alcoholic beverages are not legally sold.

15 (3) The holder of a transporter's license shall cause each truck or vehicle to display the  
16 name of the licensee and the state license numbers in a manner prescribed by an  
17 administrative regulation promulgated by the board.

18 ~~(4)~~~~(3)~~ An application for a transporter's license shall include a statement that the  
19 applicant, if issued a license, shall allow any authorized investigators of the  
20 department to stop and examine the cargo of any truck or vehicle in which alcoholic  
21 beverages are being transported within the boundaries of the Commonwealth of  
22 Kentucky.

23 ~~(5)~~~~(4)~~ Applicants for the transporter's license under this section, and their employees,  
24 shall be exempt from the residency requirements of KRS 243.100.

25 ~~(6)~~~~(5)~~ A licensee may move, within the same county, alcoholic beverages from one  
26 (1) of the licensee's licensed premises to another without a transporter's license. A  
27 licensee may move alcoholic beverages from one (1) of the licensee's licensed

1 premises located in one (1) county to a licensed premises located in another county,  
 2 without a transporter's license, with prior written approval of the administrator for  
 3 good cause shown. The licensee shall keep and maintain, in one (1) of its licensed  
 4 premises, adequate books and records of the transactions involved in transporting  
 5 alcoholic beverages from one (1) licensed premises to another in accordance with  
 6 standards established in administrative regulations promulgated by the board. The  
 7 records shall be available to the department and the Department of Revenue upon  
 8 request.

9 ~~(7)(6)~~ Distilled spirits and wine may be transported by any licensed retailer selling  
 10 distilled spirits or wine, by the package or by the drink, from the premises of a  
 11 licensed wholesaler to the licensed premises of the retail licensee. Any retailer  
 12 transporting alcoholic beverages under this subsection shall do so in a vehicle  
 13 marked in conformity with administrative regulations of the board. Both the  
 14 wholesaler and the retailer engaging in activity under this subsection shall be  
 15 responsible for maintaining records documenting the transactions.

16 ➔Section 6. KRS 243.240 is amended to read as follows:

17 (1) A quota retail package license shall authorize the licensee to:

18 (a) Purchase, receive, possess, and sell distilled spirits and wine at retail in  
 19 unbroken packages only, and only for consumption off the licensed  
 20 premises~~[-];~~ and

21 (b) *Deliver or ship to the customer, at the customer's request, alcoholic*  
 22 *beverages that are purchased:*

23 1. *From the licensed premises; or*

24 2. *By monthly subscription members or club program members, in*  
 25 *quantities not to exceed an aggregate of nine (9) liters per calendar*  
 26 *year for distilled spirits, and an aggregate of one (1) case of wine per*  
 27 *month per calendar year, if the enrollment and payment for the*

1 subscription or club is arranged in person at the premises.

2 **(2)** The licensee shall purchase distilled spirits and wine in retail packages only and  
3 only from licensed wholesalers.

4 **(3)** All deliveries or shipments made pursuant to this section shall be made through a  
5 licensed transporter or licensed common carrier authorized to deliver or ship  
6 distilled spirits in the jurisdiction to which the products will be delivered or  
7 shipped.

8 ➔Section 7. KRS 244.165 is amended to read as follows:

9 (1) Except as provided in subsections~~[subsection]~~ **(2), (3), and (4)** of this section, it  
10 shall be unlawful for any person in the business of selling alcoholic beverages in  
11 another state or country to deliver or ship or cause to be delivered or shipped any  
12 alcoholic beverage directly to any Kentucky resident who does not hold a valid  
13 wholesaler or distributor license issued by the Commonwealth of Kentucky.

14 (2) A winery or small farm winery located in another state may deliver or ship wine to  
15 a customer in Kentucky if:

16 (a) The wine or monthly subscription or club program membership is purchased  
17 by the customer in person at the winery or small farm winery;

18 (b) The Kentucky purchaser is of legal age;

19 (c) The out-of-state winery or small farm winery is licensed in Kentucky;

20 (d) Either:

21 1. No more than four (4) cases of wine are purchased per day per visit;

22 or

23 2. The wine is purchased pursuant to monthly subscription or small farm  
24 winery-sponsored club programs, in quantities not to exceed an  
25 aggregate of one (1) case of wine per month per calendar year; and

26 (e) The wine is delivered or shipped through a licensed transporter or licensed  
27 common carrier authorized to deliver or ship wine in the jurisdiction in

- 1           which the delivery or shipment will occur~~[by licensed common carrier; and~~  
2           ~~(c) The amount of wine shipped is limited to two (2) cases per customer per~~  
3           ~~visit].~~
- 4           (3) A distillery located in another state may deliver or ship distilled spirits directly to  
5           a customer in Kentucky if:
- 6           (a) The distilled spirits or monthly subscription or club program membership is  
7           purchased by the customer in person at the distillery;
- 8           (b) The Kentucky purchaser is of legal age;
- 9           (c) The distillery is licensed in Kentucky;
- 10          (d) Either:
- 11           1. No more than nine (9) liters of distilled spirits are purchased per day  
12           per visit; or
- 13           2. The distilled spirits are purchased pursuant to monthly subscription or  
14           distillery-sponsored club programs, in quantities not to exceed an  
15           aggregate of nine (9) liters of distilled spirits per calendar year; and
- 16          (e) The distilled spirits are delivered or shipped through a licensed transporter  
17          or licensed common carrier authorized to deliver or ship distilled spirits in  
18          the jurisdiction in which the delivery or shipment will occur.
- 19          (4) A licensed transporter or common carrier making deliveries or shipments  
20          pursuant to this section shall deliver or ship directly to consumers over twenty-  
21          one (21) years of age in packages clearly marked "Alcoholic Beverages, adult  
22          signature (21 years of age or over) required," and shall request adult-signature-  
23          only service from the carrier. Deliveries or shipments of alcoholic beverages shall  
24          only be made into areas of the state in which alcoholic beverages may be lawfully  
25          sold. When the shipper requests adult-signature-only service, it shall be a  
26          violation for a common carrier not to inspect government-issued identification  
27          for proof of age or to knowingly deliver or ship alcoholic beverages into areas of

1 *the state in which alcoholic beverages are not legally sold.*

2 *(6) Nothing contained in this section shall exempt a licensed out-of-state alcoholic*  
3 *beverage producer from obeying the laws of its resident state.*

4 *(7)* Any person who violates subsection (1) of this section shall, for the first offense, be  
5 mailed a certified letter by the department ordering that person to cease and desist  
6 any *deliveries or* shipments of alcoholic beverages to Kentucky residents, and for  
7 the second and each subsequent offense, be guilty of a Class D felony.

8 ➔Section 8. KRS 244.240 is amended to read as follows:

9 (1) No distiller, rectifier, winery, or wholesaler and no employee, servant, or agent of a  
10 distiller, rectifier, winery, or wholesaler shall:

11 (a) *Except as provided in Sections 1 and 4 of this Act,* be interested directly or  
12 indirectly in any way in any premises where distilled spirits or wine is sold at  
13 retail or in any business devoted wholly or partially to the sale of distilled  
14 spirits or wine at retail;

15 (b) Make or cause to be made any loan to any person engaged in the manufacture  
16 or sale of distilled spirits or wine at wholesale or retail;

17 (c) Make any gift or render any kind of service whatsoever, directly or indirectly,  
18 to any licensee that may tend to influence the licensee to purchase the product  
19 of the distiller, rectifier, winery, or wholesaler; or

20 (d) Enter into a contract with any retail licensee under which the licensee agrees  
21 to confine the licensee's sales to distilled spirits or wine manufactured or sold  
22 by one (1) or more distillers, rectifiers, wineries, or wholesalers. This type of  
23 contract shall be void.

24 (2) Nothing in this section shall prohibit the giving of discounts in the usual course of  
25 business if the same discounts are offered to all licensees holding the same license  
26 type buying similar quantities.

27 (3) A retailer shall not require or demand that a distiller, rectifier, winery, or wholesaler

1 violate this section.

2 ➔Section 9. KRS 242.260 is amended to read as follows:

3 (1) It shall be unlawful for any person ~~for public or private carrier~~ to bring into,  
4 transfer to another, deliver, or distribute in any dry or moist territory, except as  
5 provided in subsection (2) of this section, any alcoholic beverage, regardless of its  
6 name. Each package of such beverage so brought, transferred, or delivered in such  
7 territory shall constitute a separate offense. Nothing in this section shall be  
8 construed to prevent any distiller or manufacturer or any authorized agent of a  
9 distiller, manufacturer, or wholesale dealer from transporting or causing to be  
10 transported by a licensed carrier any alcoholic beverage to their distilleries,  
11 breweries, wineries, or warehouses where the sale of such beverage may be lawful,  
12 either in or out of the state.

13 (2) Subsection (1) of this section shall also apply to any moist territory unless the sale  
14 of the alcoholic beverage in question has been specifically authorized in that moist  
15 territory under a limited local option election.

16 **(3) No properly licensed common carrier or any of its employees acting on behalf of**  
17 **a consignor shall be liable for a violation of this section.**

18 **(4) Proof that the purchaser represented in writing that the delivery address is**  
19 **located in wet territory shall be an absolute defense to a violation of this section**  
20 **on behalf of a retailer, winery, small farm winery, or distillery in connection with**  
21 **the delivery or shipment of alcoholic beverages purchased at retail.**

22 ➔Section 10. KRS 242.270 is amended to read as follows:

23 (1) No person shall sell or deliver any alcoholic beverages that are to be paid for on  
24 delivery, in dry territory.

25 (2) Such transactions shall be deemed sales at the place where the money is paid or the  
26 goods delivered.

27 (3) This section shall also apply to the sale or delivery of any alcoholic beverages that

1 are to be paid for on delivery in moist territory unless the sale of the alcoholic  
2 beverage in question has been specifically authorized in that moist territory under a  
3 limited local option election.

4 **(4) No properly licensed common carrier or any of its employees acting on behalf of**  
5 **a consignor shall be liable for a violation of this section.**

6 **(5) Proof that the purchaser represented in writing that the delivery address is**  
7 **located in wet territory shall be an absolute defense to a violation of this section**  
8 **on behalf of a retailer, winery, small farm winery, or distillery in connection with**  
9 **the delivery or shipment of alcoholic beverages purchased at retail.**

10 ➔Section 11. If any provision of this Act or the application thereof to any person  
11 or circumstance is held invalid, the invalidity shall not affect other provisions or  
12 applications of the Act that can be given effect without the invalid provision or  
13 application, and to this end the provisions of this Act are severable.

14 ➔Section 12. Whereas issues exist in statutes regarding the ability to deliver  
15 alcoholic beverages to consumers, those issues are a hindrance to commerce, and  
16 consumers may find themselves subject to needless prosecution if these are not corrected  
17 immediately, an emergency is declared to exist, and this Act takes effect upon its passage  
18 and approval by the Governor or upon its otherwise becoming a law.