

1 AN ACT relating to underage purchasers of age-restricted products.

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

3 ➔Section 1. KRS 244.085 is amended to read as follows:

- 4 (1) A person under twenty-one (21) years of age shall not enter any premises licensed  
5 for the sale of alcoholic beverages for the purpose of purchasing or receiving any  
6 alcoholic beverages.
- 7 (2) A person under twenty-one (21) years of age shall not possess for personal use or  
8 purchase or attempt to purchase or have another purchase for the person any  
9 alcoholic beverages. No person shall aid or assist any person under twenty-one (21)  
10 years of age in purchasing or being delivered or served any alcoholic beverages.
- 11 (3) A person under twenty-one (21) years of age shall not misrepresent the person's age  
12 for the purpose of inducing any licensee, or the licensee's agent, servant, or  
13 employee, to sell or serve any alcoholic beverages to the underage person.
- 14 (4) A person under twenty-one (21) years of age shall not use, or attempt to use any  
15 false, fraudulent, or altered identification card, paper, or any other document to  
16 purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
- 17 (5) Except as provided in KRS 244.090, a licensee, or the licensee's agents, servants, or  
18 employees shall not permit any person under twenty-one (21) years of age to remain  
19 on any premises where alcoholic beverages are sold by the drink or consumed on  
20 the premises, unless:
- 21 (a) The usual and customary business of the licensee is a hotel, motel, restaurant,  
22 convention center, convention hotel complex, racetrack, simulcast facility,  
23 golf course, private club, park, fair, church, school, athletic complex, athletic  
24 arena, theater, small farm winery, distillery, brewery, winery, convenience  
25 store, grocery store, drug store, entertainment destination center, licensed APC  
26 premises, or any other business type, as determined by the board through the  
27 promulgation of administrative regulations, whose operations allow it to

- 1 adequately monitor and prevent alcohol sales to minors;
- 2 (b) All alcoholic beverage inventory is kept in a separate, locked department at all  
3 times when minors are on the premises;
- 4 (c) Written approval has been granted by the department to allow minors on the  
5 premises until 10 p.m. where the sale of alcohol is incidental to a specific  
6 family or community event including but not limited to weddings, reunions, or  
7 festivals. The licensee's request shall be in writing and shall specifically  
8 describe the event for which approval is requested. The state administrators  
9 shall approve or deny the request in writing; or
- 10 (d) The usual and customary business of the establishment is an entertainment  
11 facility where prebooked concerts are held. For the purpose of this paragraph,  
12 house bands, disc jockeys, and karaoke are not considered concerts. During  
13 the times minors are on the premises under this paragraph, the licensee shall:
- 14 1. Maintain the responsibility of all ticket sales;
- 15 2. Sell the concert tickets directly to the patron or have a contractual  
16 agreement with a vendor or promoter to sell the concert tickets for the  
17 licensee;
- 18 3. Maintain records of all gross concert ticket sales. The concert tickets  
19 shall have the name of a band or performer as well as the date of the  
20 concert;
- 21 4. Permit minors to be in the area where the concert is taking place only  
22 during the time of the concert; and
- 23 5. Prohibit minors on the premises until thirty (30) minutes prior to the  
24 concert and prohibit minors from remaining on the premises more than  
25 thirty (30) minutes after the concert performance has ended.
- 26 (6) Except as provided in subsection (5) of this section, a licensee or the licensee's  
27 agent, servant, or employee shall not allow any person under the age of twenty-one

1 (21) to remain on any premises that sells alcoholic beverages by the package unless  
2 the underage person is accompanied by a parent or guardian or the usual and  
3 customary business of the establishment is a convenience store, grocery store,  
4 drugstore, or similar establishment.

5 (7) Except as provided in subsection (5) of this section, a person under the age of  
6 twenty-one (21) shall not remain on any premises that sells alcoholic beverages by  
7 the package unless the person under the age of twenty-one (21) is accompanied by a  
8 parent or guardian or the usual and customary business of the establishment is a  
9 convenience store, grocery store, drugstore, or similar establishment.

10 (8) A violation of subsection (1), (2), (3), (4), or (7) of this section shall be:

11 (a) Deemed a status offense if committed by a person under the age of eighteen  
12 (18) and shall be under the jurisdiction of the juvenile session of the District  
13 Court or the family division of the Circuit Court, as appropriate;

14 (b) Subject to a fine of up to five hundred dollars (\$500) if committed by a  
15 person under the age of eighteen (18). The parent or guardian of the person  
16 under the age of eighteen (18) shall be:

17 1. Required to attend any court hearings related to the violation; and

18 2. Responsible for paying the fine established in this paragraph and all  
19 court costs related to the violation; and

20 (c) Subject to a fine of up to five hundred dollars (\$500) if committed by a  
21 person between the ages of eighteen (18) and twenty (20). The person shall  
22 be:

23 1. Required to attend any court hearings related to the violation; and

24 2. Responsible for paying the fine established in this paragraph and all  
25 court costs related to the violation.

26 (9) A person found guilty of a violation under subsection (8)(b) of this section shall  
27 have the violation expunged from the person's record on the earlier of four (4)

1        years after payment of the fine or as authorized under KRS 610.330.

2        (10) A person found guilty of a violation under subsection (8)(c) of this section shall  
3        have the violation expunged from the person's record on the earlier of four (4)  
4        years after payment of the fine or as authorized under KRS 431.078.

5        ➔Section 2. KRS 438.311 is amended to read as follows:

6        (1) Except for the provisions of KRS 438.330, it shall be unlawful for a person who has  
7        not attained the age of eighteen (18) years to purchase or accept receipt of or to  
8        attempt to purchase or accept receipt of a tobacco product, alternative nicotine  
9        product, or vapor product, or to present or offer to any person any purported proof  
10       of age which is false, fraudulent, or not actually his or her own, for the purpose of  
11       purchasing or receiving any tobacco product, alternative nicotine product, or vapor  
12       product. It shall not be unlawful for such a person to accept receipt of a tobacco  
13       product, alternative nicotine product, or vapor product from an employer when  
14       required in the performance of the person's duties.

15       (2) If committed by a person under the age of eighteen (18) years, this offense shall  
16       be deemed a status offense and shall be under the jurisdiction of the juvenile session  
17       of the District Court.

18       (3) All peace officers with general law enforcement authority and employees of the  
19       Department of Alcoholic Beverage Control may issue a uniform citation, but not  
20       make an arrest or take a child into custody, for a violation of this section. If a child  
21       fails to appear in court in response to a uniform citation issued pursuant to the  
22       section, the court may compel the attendance of the defendant in the manner  
23       specified by law.

24       (4) A person under the age of eighteen (18) years who violates subsection (1) of this  
25       section shall be subject to a fine of up to five hundred dollars (\$500). The parent  
26       or guardian of the person under the age of eighteen (18) years shall be:

27       (a) Required to attend any court hearings related to the violation; and

