KY General Assembly 2021 Regular Session - Alcoholic Beverages & Alcoholism Proposed Bills

This list was updated 04/26/2021. Visit www.lrc.ky.gov/legislation.htm for information on legislation in Kentucky.

*Reference to similar alcohol-related bills previously proposed in Kentucky

**Notes on existing law or historic reference provided by the Alcohol PES for informational purposes

***Alcohol prevention-related bills Red text indicates most recent updates

QUICK REFERENCE BY TOPIC:

ALCOHOL DIRECT SHIPPING/MINIMUM PRICING/ SAMPLING (1) -

- 1. ***HB415 (Direct shipping clean-up bill, permit sampling including contest by direct shipper licensees)
 COCKTAILS TO GO (1) –
- 2. ***SB67 (makes COVID19 Governor's temporary Executive Order permitting alcohol-to-go sales permanent) COMMERCIAL QUADRIDCYCLES (1) -
- 3. ***SB62 (removes req. commercial quadricycles are propelled exclusively by human muscular power)
 ALCOHOL SERVICE & SALES REQUIREMENTS, ENFORCEMENT (2)
 - **4.** ***HB173 ("Christopher's Law" establish training & pre-employment requirements for bouncers)
 - 5. ***SB69 (allow those <age 20 to be employed by select licensees if they don't sale/serve alcohol)
 - **6.** ***SB268 ("Christopher's Law" establish training & pre-employment requirements for bouncers)

REGULATION, TAXES AND FEES (4) -

- 7. HB179 (allow a county containing a wet/moist city authorized to also charge a regulatory licensing fee)
- 8. SB15 (allow a microbrewer to sell & deliver ≤2500 barrels to retail licensees)
- 9. SB68 (specify manufacturing regulations for some distiller's licenses)
- **10. SB108** (allow a hotel, restaurant, or private club to sell vintage spirts, barrel picks, & souvenir bottles) **MISCELLANEOUS (6)**
 - 11. HB7 (establish the Advisory Council for Recovery Ready Communities)
 - **12. HB102** (relates to addiction treatment)
 - 13. HB510 (amend KRS 243.120 to remove gender-specific language)
 - 14. SB51 (relates to addiction treatment)
 - **15. SB166** (require alcohol & drug counselors to meet defined requirements for licensure)
 - **16. SB176** (create conditions for wine corkage in conjunction with a meal)
- MISC. CANNABIS, MEDICAL MARIJUANA PERTAINING TO THE KY ABC & ALCOHOL (4) (Contact Camille Croweak, Marijuana PES, for information on cannabis prevention & regulation (camille.croweak@ky.qov)
 - 17. HB136 (establish Division of Medicinal Cannabis in the Dept. of Alcoholic Beverage & Cannabis Control)
 - 18. HB461 (establish Division of Cannabis in the Dept. of Alcoholic Beverage Control)
 - 19. HB467 (establish Division of Cannabis in the Dept. of Alcoholic Beverage Control)
 - 20. SB92 (establish Division of Medicinal Cannabis in the Dept. of Alcoholic Beverage & Cannabis Control)

BILLS SIGNED BY THE GOVERNOR:

- 1. HB7 (Est. Adv. Council for Recovery Ready Comm.) passed the House 95-1 w/ HCS & HFA1 on 02/09/2021; passed the Senate 36-0 w/ SCS on 03/02/2021; signed by the Governor on 03/18/2021
- 2. HB179 (Licensing Fees) passed the House 84-8 on 02/09/2021; passed the Senate 34-1 on 03/05/2021; signed by the Governor on 03/19/2021
- **3.** ***HB415 (Direct Shipment) passed the House 85-15 w/ HFA1, HFA2, HFA3, HFA4 & HFA5 on 02/26/2021; passed the Senate 29-5 on 03/05/2021; signed by the Governor on 03/12/2021 (Acts Ch. 13)
- **4. SB15 (Microbrewer Regulations)** passed the Senate 34-2-1 w/ SCS on 02/24/2021; passed the House 84-10 on 03/05/2021; signed by the Governor on 03/18/2021

- **5. SB51 (Addiction Treatment)** passed the Senate 34-0 w/ SCS on 02/23/2021; passed the House 87-2 w/ HFA1 on 03/30/2021; signed by the Governor on 04/08/2021
- **6.** ***SB62 (Commercial Quadricycles) passed the Senate 31-3 w/ SCS on 02/22/2021; passed the House 89-6 on 03/15; signed by the Governor on 03/25/2021
- 7. ***SB67 (Cocktails-To-Go) passed the Senate 28-7 w/ SCS on 02/22/2021; passed the House 67-27 on 03/05/2021; signed by the Governor on 03/15/2021 (Acts Ch. 20)
- **8. SB68 (Spirits Manufacturing)** passed the Senate 32-2-1 on 02/22/2021; passed the House 78-15 on 03/05/2021; signed by the Governor on 03/18/2021
- **9. SB166 (Licensure Req.)** passed the Senate 36-0 w/ SCS on 02/26/2021; passed the House 91-4 on 03/16/2021; signed by the Governor on 03/24/2021

Alcohol Direct Shipment/ Minimum Pricing/ Samples

Bill No.	Description – Sponsor(s)	Status
*** <u>HB-415</u> (BR-925)	AN ACT relating to the direct shipment of alcoholic beverages, and declaring an emergency – Rep. Adam Koenig, Kevin D. Bratcher, Phillip Pratt, Mark Hart,	
HFA1	Russell Webber, C. Ed Massey, Thomas Huff, Daniel Fister [page 20] "KRS 244.050 is amended to read as follows: A retailer [retail]	
HFA2	licensee] shall not sell, give away, or deliver any alcoholic beverage at retail in any quantity for less than paid or current wholesale cost, except	
HFA3	upon written request and approval by the administrators, pursuant to a bona fide "close out" sale, or as provided by KRS 243.0305, 243.0307,	
HFA4	243.155, and 243.157."	
HFA5	 a. <u>HFA1</u> (Richard Heath) - Retain original provisions, except delete the amendment to KRS 244.050 from the bill 	Signed by the
	b. **NOTE: Existing state statute- "KRS 244.050 "Treating" prohibited — a retail licensee shall not sell, give away, or deliver any alcoholic beverage at retail in any quantity for less than paid or current wholesale cost, except upon written request and approval by administrators, pursuant to a bona fide "close out" sale"	Governor 03/12/2021 PASSED 29-5 03/05/2021 (S)
	(page 5) Amend KRS 243.027 to allow Kentucky manufacturers with a direct shippers license to send ≤1L of spirits/wine samples or ≤96ozs. malt beverage samples per calendar year by common carrier "to the following:	PASSED 82-15 w/ HFA1, HFA2, HFA3, HFA4,
	a. Marketing or media representatives 21 years of age or older;	HFA5 (H) 02/26/2021
	b. Distilled spirits, wine, or malt beverage competitions or contest;	<u>,,,</u>
	 Clarify requirements to hold direct shipper license, allow the usage of a third party to fulfill orders, remove parameters for establishing wholesale cost & include direct shippers licensees in wholesale tax 	
	 Specify a brewer, microbrewery, distilled spirits and wine supplier, and malt beverage supplier may also hold a direct shipper license 	
(continued)	**RESEARCH: PRICE-RELATED PROMOTIONS (according to <u>SAMHSA's 2018</u> State Performance Measures and Best Practices for Preventing Underage <u>Drinking, page 101)</u> :	

***<u>HB-415 (BR-</u> 925)

- a. Results demonstrated price-related promotions were significantly correlated with higher binge drinking and self-reported drinking and driving rates among students (Wechsler, Lee, Nelson, & Lee, 2003).
- b. The Surgeon General's Call to Action concluded "increasing the cost of drinking can positively affect adolescent decisions about alcohol use," and recommended "[e]limination of low price, high-volume drink specials, especially in proximity to college campuses, military bases, & locations with a high concentration of youth" (HHS, 2007).
- c. A state law concerning low-price, high-volume drink specials may prohibit or restrict the following practices:
 - 1) Providing customers with free beverages
- HFA2 (Adam Koenig) Retain original provisions; amend KRS 243.0305 to allow distillery to report and pay wholesale taxes directly; effective date January 1, 2022
- **HFA3** (Jonathan Dixon) Make title amendment
- HFA4 (Jonathan Dixon) Retain original provisions; amend KRS 241.010 to add malt to definition of "rectifier"; amend KRS 243.120 to remove prohibition against transportation of distilled spirits or wine on the same truck with malt beverages; amend KRS 243.130 to allow rectifiers to purchase malt from brewers in or out of the US.
- **HFA5** (Adam Koenig) Retain original provisions; amend KRS 243.027 to require submission of copy of license on annual renewal; require regulation amendment by January 1, 2022; allow distillers to submit their own taxes for certain sales, define "wholesale sales," & require souvenir packages to be made available to Kentucky licensed wholesalers; include distillers for payment of wholesale taxes; delete repeal of KRS 243.886 and instead amend to include distillers; exclude direct shipper licensee; & include distillery gift shops for retailers to purchase.

Cocktails-to-Go

Bill No.	Description – Sponsor(s)	Status
*** <u>SB-67</u> (<u>BR-</u> <u>343</u>)/ <u>LM</u> <u>SCS/LM</u>	AN ACT relating to alcoholic beverage sales, and declaring an emergency – Senator John Schickel (L&O Chair), Morgan McGarvey Allow alcohol to be purchased to go or for delivery in conjunction with a meal by quota retail drink licensees, nonquota type 2 licensees, small farm wineries & other restaurants Require KY ABC to promulgate admin. regulation for closed container "Safeguards" included: "the container must be sealed [meaning it has a lid] and not be within reach of the driver." SCS	
	a. Require sale of alcohol to be in conjunction with the purchase of a prepared meal and only in quantities a reasonable person would purchase with a meal [*NOTE: What does this quantity limit even mean?]	
	b. Require any person delivering alcoholic beverages to be at least 21 years old, and prohibit delivering in dry territories, to a minor under 21 [*NOTE: No age verification or server training to for delivery drivers/sellers req.], and to an intoxicated person	Signed by the Governor
	c. Prohibits selling alcohol in bulk quantities [*What does this mean? It's non-specific.]	03/15/2021 PASSED 67-27 (H)
	 Required alcoholic drinks placed in a bag or container secured to make it visibly apparent if the container has been subsequently opened or tampered with 	03/05/2021 PASSED 28-7 w/
	e. Require alcoholic drinks transported in locked glove compartment or trunk or other area that is not a passenger area	SCS (S) 02/22/2021
	**NOTE: <u>This bill does NOT mention checking ID</u> , or <u>server training</u> .	
	 a. Info. on Kentucky's Open Container Statutes (Ky. Rev. Stat. §189.530, §222.202, §243.115) is available via the <u>National Conference of State</u> <u>Legislatures (NCSL)</u>. 	
	b. When businesses like GrubHub and Doordash, for example, advertise contactless delivery, what does this mean for verifying age w/ alcohol without consistent protocols/expectations in the bill?	
	**NOTE: A special prevention task force is developing tamper proof label/s for by-the-drink licensees voluntary use on cocktails-to-go, though some other states require labeling.	
	**NOTE: According to the KY Restaurant Assoc. in the 11/20 Joint Committee Minutes, 114,000 employees have been laid off or furloughed since the COVID-19 outbreak." The Restaurant Assoc. CEO said, "This is the lifeline that is much needed for struggling restaurants."	

Commercial Quadricycles

Bill No.	Description – Sponsor(s)	Status
*** <u>SB-62</u>	AN ACT relating to commercial quadricycles – Sen. Jimmy Higdon (L&O Member)	Signed by the
(BR-254)	 Removes requirement commercial quadricycles are propelled exclusively by 	Governor
	human muscular power	<mark>03/25/2021</mark>
<u>SCS</u>	 <u>SCS</u> – Add allowance for usage of electrical assist system only when traveling to or from storage and specific that it is not a motor vehicle 	PASSED 89-6 (H) 03/15/2021
		PASSED 31-3 w/
		SCS (S) 02/22/2021

Alcohol Service and Sales Requirements, Enforcement

Bill No.	Description – Sponsor(s)	Status
*** <u>HB-173</u> (BR-201)	AN ACT relating to minimum security requirements at retail establishments licensed to sell alcohol for on-site consumption – Rep. Lisa Willner, Jim DuPlessis, Kim Banta, Mary Lou Marzian, Killian Timoney, Tina Bojanowski, Attica Scott, Susan Westrom, Joni Jenkins, Buddy Wheatley, etc. (16 Representatives) Cite this Act as "Christopher's Law" Establishment pre-employment criminal history requirements for bouncers Create bouncer training standards and establish KY ABC oversight Prevent confusion as to whether a law enforcement officer is on/off duty Prohibit consumption of alcohol by a bouncer during work hours Similar to 2021 KY SB268	Committee on Committees (H) 01/05/2021
*** <u>SB-69</u> (BR-227)	AN ACT relating to the serving of alcoholic beverages – Sen. John Schickel Allow a person <age 18="" 20="" 20,="" a="" alcohol<="" alcoholic="" and="" any="" be="" beverage="" beverages="" business="" by="" direct="" do="" duties="" employed="" gross="" if="" involve="" is="" licensee="" licensees="" malt="" not="" of="" or="" other="" package="" person="" retail="" sale="" sales="" select="" serving="" someone="" supervision="" td="" the="" their="" to="" under="" with="" ≤50%="" ≥age=""><td>Licensing & Occupations (S) 01/11/2021</td></age>	Licensing & Occupations (S) 01/11/2021
*** <u>SB-268</u> (<u>BR-59)</u>	AN ACT relating to minimum security requirements at retail establishments licensed to sell alcohol for on-site consumption – Sen. Jimmy Higdon, Morgan McGarvey Cite this Act as "Christopher's Law" Establish pre-employment criminal history requirements for bouncers Create bouncer training standards and establish KY ABC oversight Prevent confusion as to whether a law enforcement officer is on/off duty Prohibit consumption of alcohol by a bouncer during work hours *Similar to 2021 KY HB173	L&O (S) 02/24/2021 Introduced (S) 02/22/2021

Regulation, Taxes & Fees, Licensing

Bill No.	Description – Sponsor(s)	Status
HB-179 (BR- 1159)/LM	 AN ACT relating to regulatory licensing fees - Rep. Phillip Pratt Allow a county containing a city authorized to charge a regulatory licensing fee to also charge a fee Allow county or city that held a local option election between July 15, 2014, and July 15, 2018, to impose a fee within two years of the Act date 	Signed by the Governor 03/19/2021 PASSED 34-1 (S) 03/05/2021 PASSED 84-8 (H)
		02/09/2021
SB-15 (BR- 802)	AN ACT relating to microbreweries – Sen. Julie Raque Adams, Robert Stivers II, Morgan McGarvey, David Yates ■ Allow a microbrewer to sell & deliver ≤2500 barrels to retail licensees	Signed by the Governor 03/18/2021
SCS, SFA1, SFA2		PASSED 84-10 (H) 03/05/2021
		PASSED 34-2-1 w/ SCS (S) 02/24/2021
SB-68 (BR-229)	AN ACT relating to the manufacturing of distilled spirits – Sen. John Schickel Require distiller's license, Class A license, or Class B license to distill ≥600 gallons/year at the distillery's licensed premises Exempt distiller's licensees who trains, educates, conducts research, or	Signed by the Governor 03/18/2021
	teaches about the distilling process, aging, or bottling of spirits from these requirements, so long as they don't produce spirits for sale to the public Excepts educational institutions from the state's 600-gallon production	PASSED 78-15 (H) 03/05/2021
	requirement for licensure in their hands-on distilling courses	PASSED 32-2-1 (S) 02/22/2021
SB-108 (BR- 88)/LM	AN ACT relating to retail packaged alcohol sales – Rep. Paul Hornback ■ Allow a hotel or restaurant with an NQ2 license (primarily a by-the-drink license) and a private club/bed & breakfast/dining car with an NQ3 license to sell ≤2000 limited bottles such as barrel picks, souvenir packages, or vintage spirits of package sales annually to its patrons/members ■ Allow a microbrewer to sell products produced with a distiller	Licensing & Occupations (S) 02/02/2021

Miscellaneous

Bill No.	Description – Sponsor(s)	Status
HB-7 (BR-435) HCS HFA1 SCS	 AN ACT relating to the Advisory Council for Recovery Ready Communities – Rep. Adam Bowling, Patrick Flannery, Derek Lewis, etc. (24 Representatives) Establish the Advisory Council for Recovery Ready Communities in KRS HCS - Retain original provisions; expand the membership of the Advisory Council for Recovery Ready Communities. HFA1 (Bowling, Adam) - Expand the membership of the Advisory Council for Recovery Ready Communities by two additional members. SCS - Retain original provisions; expand membership of the Advisory Council to include a KY Association of Regional Programs Representative 	Signed by the Governor 03/23/2021 PASSED 36-0 w/ SCS (S) 03/02/2021 PASSED 95-1 w/ HCS & HFA1 (H) 02/09/2021
HB-102 (BR-966)	AN ACT relating to addiction treatment – Rep. Kimberly Moser, Derek Lewis, Steve Sheldon, DJ Johnson, Lisa Willner, Adam Bowling, Ed C. Massey Prohibit insurers from requiring or using certain utilization reviews for certain prescription drugs used to treat alcohol or opioid use disorder Prohibit the Dept. for Medicaid Services (DMS) or a Medicaid managed care organization (MCO) from requiring or using certain utilization reviews for certain prescription drugs used to treat alcohol or opioid use disorder *See 2021 KY SB-51	Committee on Committees (H) 01/05/2021
HB-510 (BR-1790)	AN ACT relating to alcoholic beverages – Rep. Chad McCoy Amend KRS 243.120 to remove gender-specific language	Committee on Committees (H) 02/11/2021
SB-51 (BR- 1017)/HM SCS/HM HFA1	 AN ACT relating to addiction treatment – Sen. Ralph Alvarado ■ Prohibit insurers from requiring or using certain utilization reviews for certain prescription drugs used to treat alcohol or opioid use disorder ■ Prohibit the DMS or a Medicaid MCO from requiring or using certain utilization reviews for certain Rx drugs used to treat alc/opioid use disorder ■ HFA1 (Moser, Kimberly Poore) - Retain original provisions except amend Section 2 to insert conforming language; amend Sections 1 and 2 to limit requirements for prescription drugs approved for the mitigation of opioid withdrawal symptoms; and require the Cabinet for Health and Family Services or the Department for Medicaid Services to apply for a waiver or authorization and report to the co-chairs and Interim Joint Committee on Health, Welfare, and Family services if certain conditions are met. ■ *See 2021 KY HB-102 	Signed by the Governor 04/08/2021 PASSED 87-2 w/ HFA1 (H) 03/30/2021 PASSED 34-0 w/ SCS (S) 02/23/2021
SB-166 (BR-1686) SCS HFA1 HFA2	AN ACT relating to alcohol & drug counselors – Sen. Julie Adams Require alc. & drug counselors to meet defined requirements for licensure SCS – Add requirements for certification as a certified clinical supervisor	Signed by the Governor 03/24/2021 PASSED 91-4 (H) 03/16/2021 PASSED 36-0 w/

		SCS (S) 02/26/2021
SB-176 (BR-1804)	■ Establish conditions for wine corkage with a meal at a limited restaurant licensee or Nonquota type 2 retail drink licensee (certain hotels, restaurants, airports, riverboats, distillers, or businesses in or adjacent to an entertainment destination) in any wet territory or moist precinct in these conditions: a. A patron may bring up to 2 unopened bottles of wine for consumption; b. The licensee shall open & serve the wine with an optional service fee; c. A patron may not bring wine that is available for purchase at the premises. ■ A patron may remove his or her partially consumed bottle of wine from the premises subject to the following conditions: a. The partially consumed bottle shall be: (1) Resealed by the licensee or its employee; and (2) Placed in a sealed & secured bag/container; and b. The licensee shall provide a dated receipt to the patron. ■ *Similar to 2020 KY SB-138	L&O (S) 02/09/2021

Misc. - Cannabis, Medical Marijuana pertaining to the KY ABC & Safety Research

**Contact Camille Croweak, Marijuana PES, for more information (Camille.croweak@ky.gov)

Bill No.	Description – Sponsor(s)	Status
HB-136 (BR- 49)/LM/CI	 AN ACT relating to medical cannabis – Rep. Jason Nemes, Al Gentry, William Lawrence, Derek Lewis, Robert Goforth, Patti Minter, etc. (29 Representatives) Require the Department of Alcoholic Beverage and Cannabis Control implement and regulate the medicinal cannabis program Establish the Division of Medicinal Cannabis and the Board of Physicians and Advisors within the Department of Alcoholic Beverage and Cannabis Control See similar 2021 KY SB92 	Committee on Committees (H) 01/06/2021
HB-461 (BR- 479)/LM/CI	AN ACT relating to the regulation of cannabis – Rep. Nima Kulkarni, Attica Scott, Lisa Willner Establish the Division of Cannabis in the Dept. of Alcoholic Beverage Control	Committee on Committees (H) 02/10/2021
HB-467 (BR- 479)/LM/CI	AN ACT relating to the regulation of cannabis – Rep. Rachel Roberts • Establish the Division of Cannabis in the Dept. of Alcoholic Beverage Control	Committee on Committees (H) 02/10/2021
SB-92 (BR- 1140)/LM/CI	AN ACT relating to medicinal cannabis — Sen. Stephen West, Michael Nemes, David Yates, Dennis Parrett, Robin Webb, Denise Harper Angel, Gerald Neal, C.B. Embry J., etc. (10 Senators) ■ Require the Department of Alcoholic Beverage Control and Cannabis Control to implement and regulate the medicinal cannabis program ■ Establish the Division of Medicinal Cannabis and the Board of Physicians and Advisors within the Department of Alcoholic Beverage and Cannabis Control ■ See similar 2021 KY HB136	Committee on Committees (S) 01/08/2021