

**KY General Assembly 2017 Regular Session – Alcohol-Related Proposed Bills (3/02/2017)**  
**Alcohol Home Delivery, Retailer Loyalty Cards, Lower Age Requirement to Sell Alcohol**

Bill No.	Description – Sponsor(s)	Status
<u>HB 183/LM (BR-889)</u>  <u>HFA1</u>  <u>HFA2</u>  <u>HFA3</u>	<p><b>AN ACT relating to the ABC.</b> – Rep. Adam Koenig (Boone, Kenton)</p> <ul style="list-style-type: none"> <li>Enable the use of retailer loyalty cards for alcoholic beverage discounts</li> <li>Permit a non-quota retail malt beverage package licensee (meaning grocery stores, gas stations, or other places under 21s can legally enter w/o a parent/guardian) to employ persons 18 and over if supervised by someone 20 or older, current law does not allow persons under 20 to sell/serve alcohol.</li> <li>Allow for home alcohol delivery.</li> <li>**Scientific research from SAMHSA (2015) and the Minnesota Legislature’s non-partisan research offices (1999) suggest consumer direct shipment of alcohol increases alcohol availability to youth by increasing opportunities for underage persons to subvert minimum age purchase requirements.</li> </ul>	<p><b>PASSED 57-25 w/HFA2 (H) 03/01/17</b></p> <p>L&amp;O (H) passed 02/15/17</p>

**Expanded Sales, New License Types, Extended Hours**

Bill No.	Description – Sponsor(s)	Status
<u>HB 24(BR-81)</u>  <u>HCS1</u>	<p><b>AN ACT relating to spas.</b> – Rep. Jerry Miller (Jefferson, Oldham)</p> <ul style="list-style-type: none"> <li>Allow a spa (beauty salon employing ≥ 10 licensed cosmetologists, not including contractors/persons who rent booths/chairs within the salon) to obtain a Nonquota type 3 (NQ3) alcohol retail drink license</li> <li>Limit alcohol-by-the-drink sales to spa guests receiving ≥1-hour of services</li> <li>Exempt spas from prohibition against minors remaining on premises provided alcohol inv. is in a separate, locked dept. when minors are on premises</li> <li><u>HCS1</u> – <b>req. ABC STAR server training</b> for any spa employee selling alcohol</li> </ul>	<p><b>Regular Orders of the Day (H) 02/24/17</b></p> <p>L&amp;O (H) passed w/ <u>HCS1</u> 02/15/17</p>
<u>HB 100 (BR 871)</u>  <u>HCS1</u>	<p><b>AN ACT relating to distilled spirits sale at fairs.</b> – Rep. Chad McCoy (Nelson), Sal Santoro (Boone), Diane St. Onge (Boone, Kenton), Susan Westrom (Fayette), James Nemes, Kimberly Moser</p> <ul style="list-style-type: none"> <li><u>HCS1</u> - Allow distillers to sell distilled spirits directly to consumers by-the-drink at fairs, festivals, and similar events in wet territories.</li> <li>**HB100 in the original version before HCS1 would allowed distillers to sell directly to consumers up to 2.25-liters/ 3 FIFTH-SIZED BOTTLES (750ml each) of distilled spirits per person per day by the package and/or by-the-drink. 1 Fifth contains 25.6 fluid ounces. 1 standard drink (shot) of 80-proof distilled spirits contains 1.5 fluid ounces. This bill would allow distillers to sell up to 51 drinks of spirits per person per day at local events.</li> </ul>	<p><b>LOA (S) 02/28/17</b></p> <p><b>PASSED 57-25 w/HCS1 (H) 02/27/17</b></p> <p>L&amp;O (H) passed w/ <u>HCS1</u> 02/15/17</p>
<u>HB 130(BR-917)</u>	<p><b>AN ACT relating to the extended hours supplemental license.</b> – Rep. Sal Santoro (Boone), Adam Koenig (Boone, Kenton); C. Morgan (Madison), Chad McCoy (Nelson)</p> <ul style="list-style-type: none"> <li>Allow an <b>extended hours supplemental license</b> to be issued for retail by-the-drink alcohol sales to NQ1 retail drink, QHS, or commercial airport licensees</li> <li>Allow a major sporting venue w/ a seating capacity &gt;75K to sell alcohol outside <u>local sales times w/ a (a) NQ1 (non-quota) Retail Drink License, (b) Extended Hours Supplemental License, &amp; (c) Sunday Retail Drink License</u></li> <li>*Similar: <u>2016 SB12</u>- Sen. Schickel, J. Carroll- L&amp;O(H), Passed(S) 28-8-1</li> </ul>	<p><b>DEFEATED 36-41 (H) 02/27/17</b></p> <p>L&amp;O (H) passed 02/15/17</p>

<b><u>HB 154(BR-842)</u></b>	<b>AN ACT relating to wholesaler distributing.</b> – Rep. C. Morgan (Madison) <ul style="list-style-type: none"> <li>Require a resident &amp; nonresident (in/out of state) distiller, rectifier, or winery &amp; a nonresident wholesaler to make its brand available to any wholesaler legally authorized to distribute that product in KY, and prohibit granting of exclusive distribution rights for any particular brand to only one wholesaler</li> <li><i>**Generally in a 3-Tier System, producers give distributors exclusive rights to market products in a geo. area to avoid distributors competing</i></li> </ul>	<b>L&amp;O (H)</b> <b>02/07/17</b>  Introduced (H) 01/06/17
<b><u>HB 155(BR-465)</u></b>  <b><u>HCS1</u></b>	<b>AN ACT relating to transporting alcoholic beverages.</b> Rep. C. Morgan (Madison) <ul style="list-style-type: none"> <li><b>Permit retail package licensees to transport alcoholic beverages between stores of common ownership</b> if the licensees derive ≥90% cash receipts from alcohol sales (<i>generally packaged liquor stores</i>) &amp; pays the <b>Supplemental Transporter’s License \$100 annual fee per store</b> of common ownership.</li> <li><i>**KY current law requires alcohol retailers to purchase products from licensed distributors, &amp; does not permit transport of products between stores of common ownership without case by case exception from the KY ABC</i></li> </ul>	<b>Regular Orders of the Day (H)</b> <b>02/27/17</b>  L&O (H) passed w/ <b><u>HCS1</u></b> 02/22/17
<b><u>HB 298/LM (BR-1159)</u></b>	<b>AN ACT relating to alcoholic beverages.</b> – Rep. Phil Moffett (Jefferson), Diane St. Onge (Boone, Kenton) <ul style="list-style-type: none"> <li>Establish wine direct shipper license</li> <li>Prohibit licensees from shipping to addresses in dry/moist territories</li> </ul>	<b>L&amp;O (H)</b> <b>02/14/17</b>

## Taxes, Fees, Discounts

Bill No.	Description – Sponsor(s)	Status
<b><u>HB164(BR 964)</u></b>	<b>AN ACT relating to the sale of alcoholic beverages.</b> Rep. C. Morgan (Madison) <ul style="list-style-type: none"> <li><b>Prohibit retail package licensees to sell alcohol for less than the purchase cost (wholesale cost plus any local gov. regulatory license fee).</b></li> <li><i>**KRS 244.050 prohibits “treating” with Sampling License exceptions, meaning no retail licensee shall give away alcohol for &lt; full monetary consideration. In George v. Commonwealth (Ky. 1949), &amp; Kilburn v. Colwell (Ky. 1965), sale below “cost” defined in KRS 365.030(3) is not the same as giving alcohol away for &lt; full monetary consideration; provided the retail sales price to the consumer is ≥ the replacement cost on the date of sale (fair market value) or the original wholesale cost. 2017 HB164 clarifies the intent of “full monetary consideration” to include the retailer’s wholesale cost &amp; reg. fee.</i></li> </ul>	<b>L&amp;O (H)</b> <b>02/07/17</b>  Introduced (H) 01/07/17
<b><u>SB 40(BR-178)</u></b>	<b>AN ACT relating to city &amp; county licensing fees for the sale of alcoholic beverages.</b> – Sen. Danny Carroll (Ballard, Carlisle, Marshall, McCracken); Max Wise (Adair, Clinton, Cumberland, McCreary, Russell, Taylor, Wayne) <ul style="list-style-type: none"> <li><b>Allow cities &lt;20K pop., &amp; counties w/o a city &gt;20K pop., to impose a reg. license fee on alcohol sales to reimbursement the local gov. for additional (a) policing, (b) reg., &amp; (c) admin. expenses related to local alcohol sales</b></li> <li>Grandfather in cities &amp; counties imposing a regulatory license fee prior to Act</li> </ul>	<b>L&amp;O PASSED (S)</b> <b>02/28/17</b>  Introduced (S) 01/03/17

## Impaired Driving

Bill No.	Description – Sponsor(s)	Status
<u>HB 222/CI/LM</u> (BR-1035)  <u>HCS1</u>	<b>AN ACT relating to shock probation.</b> – Rep. R. Benvenuti III (Fayette), R. Mills (Davies, Henderson), B. Reed (Green, Larue, Marion), Jeff Greer (Hardin, Meade) <ul style="list-style-type: none"> <li>Prohibit shock probation if person is convicted of manslaughter 2<sup>nd</sup> degree or reckless homicide, and DUI in the same incident</li> <li><b>HCS1</b> – Prohibit shock probation if person is convicted of manslaughter 2<sup>nd</sup> degree, fetal homicide 3<sup>rd</sup> degree, or reckless/fetal homicide, &amp; DUI</li> </ul>	<b>Judiciary (S)</b> <b>02/28/17</b>  <b>PASSED 91-0 w/ HCS1 (H) 02/27/17</b>  Jud.(H) PASSED w/ <u>HCS1</u> 02/22/17
<u>HB 261/CI/LM</u> (BR-952)  <u>HCS1</u> <u>HFA1</u> <u>HFA2</u> <u>HFA3</u>	<b>AN ACT relating to DUI.</b> – Rep. Jim DuPlessis (Hardin), Robert Benvenuti III (Fayette), William Reed (Green, Larue, Marion), B. Reed (Green, Larue, Marion), James Tipton (Anderson, Bullitt, Spencer) <ul style="list-style-type: none"> <li><b>Restrict DUI offenses to one first-time offense per person in their lifetime</b></li> <li><b>HCS1</b> – provide all DUI offenses with aggravating circumstances remain on record and constitute prior offenses regardless of when they were committed</li> <li><b>HFA1</b> – (Darryl Owens) Allow first offense DUIs to be sealed after 10-years, while maintaining availability to enhance penalties for subsequent offenses</li> <li><b>HFA2</b> – (Darryl Owens) Specify prior offenses are not retroactive</li> <li><b>HFA3</b> – (Jim DuPlessis) Allow DUI first offenses sealed 10-years after offense date upon motion of defendant; forbid appearance of first offense in state background checks; permit use of first offense to determine charging level of subsequent violations; prohibit retroactive application of new first offenses</li> </ul>	<b>Judiciary (S)</b> <b>03/01/17</b>  <b>PASSED 94-0 w/HFA3 (H) 02/28/17</b>  Judiciary (H) passed w/ <u>HCS1</u> 02/22/17
<u>SB 244 (BR-377)</u>	<b>AN ACT relating to ignition interlock devices.</b> - Sen. Morgan McGarvey (Jefferson)	<b>Transportation (S) 02/21/17</b>

## Advertising

Bill No.	Description – Sponsor(s)	Status
<u>HB 230 (BR-1357)</u>	<b>AN ACT relating to advertising alcohol.</b> – Rep. C. Morgan (Madison) <ul style="list-style-type: none"> <li>Prohibit a retail package licensee from advertising alcoholic beverages on the outside of the premise, or in a window seen from outside the premises.</li> </ul>	<b>L&amp;O (H)</b> <b>02/09/17</b>
<u>HB 334 (BR-809)</u>	<b>AN ACT relating advertising alcohol.</b> – Rep. Sal Santoro (Boone) <ul style="list-style-type: none"> <li>Allow a retailer to advertise its company name, address, &amp; phone# on signs, posters, billboards, and indoor/outdoor images.</li> </ul>	<b>L&amp;O(H) 02/15/17</b>  Introduced (H) 02/13/17

## Enforcement, Identification, Regulatory Authority, Local Option Elections

Bill No.	Description – Sponsor(s)	Status
<u>HB 26(BR-224)/LM</u>	<b>AN ACT relating to inspections by sheriffs.</b> – Rep. Adam Koenig (Boone, Kenton), M. Hart (Harrison, Pendleton, Scott), Kim King (Jessamine, Mercer, Washington) <ul style="list-style-type: none"> <li>Repeal required monthly visits &amp; inspections by the sheriff/deputies of public places in their county, including where intoxicating liquors are sold/furnished to the public, along with written reporting to the county attorney &amp; Circuit Court of any law violation or disturbance occurring at such places</li> </ul>	<b>State &amp; Local Gov PASSED (S)</b> <b>03/01/17</b>  <b>PASSED 91-1 (H)</b>

<b><u>HB 77(BR-298)</u></b>	<b>AN ACT relating to enhanced secure identity documents.</b> – Rep. Jim DuPlessis (Hardin), Myron Dossett (Christian, Hopkins) <ul style="list-style-type: none"> <li>Licenses &amp; personal ID cards compliance w/ federal REAL ID Act</li> </ul>	<b>Transportation (H) 01/03/17</b>
<b><u>HB 126(BR-480)</u></b>	<b>AN ACT relating to students’ rights.</b> – Rep. C. Wesley Morgan (Madison), Phil Moffett (Jefferson) <ul style="list-style-type: none"> <li>Require public postsecondary ed. institutions to adopt regulations defining a student code of conduct, disciplinary process, &amp; penalties for code violations.</li> </ul>	<b>Education (H) 01/06/17</b>
<b><u>SB 7(BR-25)/LM</u></b>  <b><u>SFA1</u></b> <b><u>HFA1</u></b>	<b>AN ACT relating to firearms</b> – Sen. Albert Robinson (Bath, Estill, Jackson, Laurel, Menifee, Powell), Damon Thayer (Grant, Kenton, Scott), Mike Wilson (Warren), C.B. Embry Jr. (Butler, Hopkins, Muhlenberg, Ohio), Rick Girdler (Boyle, Lincoln, Pulaski), John Schickel (Boone), Ralph Alvarado (Clark, Fayette, Montgomery), Paul Hornback (Carroll, Henry, Jefferson, Shelby, Trimble), Dan Malano Seun (Bullitt, Jefferson), Ray Jones II (Elliott, Lawrence, Martin, Morgan, Pike), Stephen Meredith (Breckinridge, Edmonson, Grayson, Hart, Larue, Meade), Stephen West (Bourbon, Fleming, Harrison, Lewis, Mason, Nicholas, Robertson, Rowan), Ralph Alvarado, Robin Webb (**14 sponsors) <ul style="list-style-type: none"> <li>Allow persons not otherwise prohibited to carry concealed weapons w/o a license, excluding prohibited locations like alcohol by-the-drink licensees</li> <li>**Previous, but removed bill sponsor - Dennis Parrett (Hardin, Jefferson)</li> </ul>	<b>Returned to Vets, Mil Affairs, &amp; Pub Prot (S) 01/04/17</b>
<b><u>SB 57(BR-409)/LM/CI</u></b>	<b>AN ACT relating to medical cannabis.</b> – Sen. Perry Clark (Jefferson), Stephen West (Bourbon, Fleming, Harrison, Lewis, Mason, Nicholas, Robertson, Rowan) <ul style="list-style-type: none"> <li>“Cannabis Compassion Act” - Allow persons to cultivate, use &amp; possess medical cannabis regulated by the Dept. of Alcoholic Bev. &amp; Cannabis Control</li> </ul>	<b>L&amp;O (S) 01/07/17</b>
<b><u>SB 76(BR-408)/LM/CI</u></b>	<b>AN ACT relating to the regulation of cannabis.</b> – Sen. Perry Clark (Jefferson), Danny Carroll (Ballard, Carlisle, Marshall, McCracken) <ul style="list-style-type: none"> <li>Establish KRS Chp. 245 to regulate cultivation, testing, processing, taxing, and sale of cannabis to persons 21 years &amp; older through the Department of Alcoholic Beverage &amp; Cannabis Control for consumption on private property</li> <li>Cannabis would include edible products, ointments, extracts, and other products containing cannabis intended for human use or consumption.</li> <li>Cannabis would not include (a) Industrial Hemp, (b) drugs or substances approved for use by the FDA in clinical trials, or (c) cannabidiol through physicians practicing at KY public univ. college of medicine hospitals/ clinics</li> </ul>	<b>L&amp;O (S) 01/07/17</b>  Introduced (S) 01/03/17  Prefiled 12/09/16

## Local Option Elections

<b>Bill No.</b>	<b>Description – Sponsor(s)</b>	<b>Status</b>
<b><u>HB 313/LM (BR-1061)</u></b>	<b>AN ACT relating to local option elections.</b> – Rep. D. Osborne (Oldham), K. Imes (Calloway, Trigg), Sal Santoro (Boone) <ul style="list-style-type: none"> <li>Prohibit changing a petition for a local option election once filed.</li> <li>Require a local option election be held on a primary/regular election day.</li> <li>Remove the requirement sheriffs must advertise election in newspaper</li> <li>Require order for an election be posted no later than 2-weeks before election</li> </ul>	<b>Elections/Const Am/Interg Aff (H) 02/14/17</b>  Introduced (H) 02/10/17
<b><u>HB 319/LM (BR-1021)</u></b>	<b>AN ACT relating to local elections.</b> – Rep. K Imes (Calloway, Trigg), D. Osborne (Oldham), Sal Santoro (Boone)	<b>Regular Orders (H) 03/02/17</b>

	<ul style="list-style-type: none"> <li>Require person/group wanting to circulate a petition for local option election to first file with the county clerk the intent to circulate petition before signatures are collected.</li> <li>Require person/group post bond with Circuit Court to cover cost of election</li> <li>Require petitions have signature and printed name of voter with birth year</li> <li>Require if election is held on a day other than primary/regular election, person/group circulating petition will pay for local election cost</li> </ul>	<p>Elections PASSED (H) 02/27/17</p> <p>Introduced (H) 02/13/17</p>
<p><b>SB 145/LM (BR-429)</b></p> <p><b>SFA2</b></p>	<p><b>AN ACT relating to local option elections.</b> – <i>Sen. Jimmy Higdon (Casey, Jefferson, Marion, Nelson, Spencer)</i></p> <ul style="list-style-type: none"> <li>Require the group responsible for circulation &amp; filing petition to hold a local option election to pay for election cost</li> </ul>	<p><b>Elections (H) 02/27/17</b></p> <p><b>PASSED 30-6-1 w/SFA2 (S) 02/22/17</b></p>

## Alcoholic Beverages Misc., Education

Bill No.	Description – Sponsor(s)	Status
<b>HCR 101 (BR-1435)</b>	<p><b>Study of alcoholic beverage law.</b> – <i>Rep. C. Morgan (Madison), D. Osborne (Oldham)</i></p> <ul style="list-style-type: none"> <li>Create a 12-member Alcoholic Beverage Issues Subcommittee of the Interim Joint Committee on LOA to study, structure, intent, &amp; effect KY alcoholic laws</li> <li>Require subcommittee to submit recommendations by 12/01/17</li> </ul>	L&O (H) 02/21/17
<b>HB 133(BR-810)</b>	<p><b>AN ACT relating to the sale of malt beverages.</b> – <i>C. Morgan (Madison)</i></p> <ul style="list-style-type: none"> <li>Permit brewers &amp; distributors to extend credit to retail licensees on the purchase of malt beverages for &lt;30 days from invoice</li> </ul>	L&O (H) 02/07/17
<b>HB 134(BR-870)</b>	<p><b>AN ACT relating to the transport of alcoholic beverages to retail licensees.</b> – <i>Rep. C. Morgan (Madison)</i></p> <ul style="list-style-type: none"> <li>Require wholesaler distributors to deliver to retailers one week after order</li> </ul>	L&O (H) 02/07/17
<b>HB 136(BR 464)</b>	<p><b>AN ACT relating to alcohol wholesalers.</b> <i>Rep. C. Morgan (Madison)</i></p> <ul style="list-style-type: none"> <li>Delete the requirement other wholesalers (<i>distributor</i>) may not sell to a retailer who has exceeded the 30-day credit limit with one wholesaler.</li> </ul>	<p>Regular Orders (H) 02/24/17</p> <p>L&amp;O (H) PASSED 02/21/17</p>
<b>HB 466 (BR-1600)</b>	<p><b>AN ACT relating to sampling licenses.</b> – <i>Rep. James Kay (Fayette, Franklin, Woodford)</i></p> <ul style="list-style-type: none"> <li><b>ALLOW COLLEGES &amp; UNIVERSITIES to conduct an alcoholic beverage sampling as part of an “educational program” to PERMIT STUDENTS/ persons who are 21 or older by the first day of a class to SAMPLE ALCOHOLIC BEVERAGES &amp; require class instructors attend STAR.</b></li> <li><i>*Similar to 2016 HB605 (Rep. James Kay), ended in L&amp;O Committee (H)</i></li> </ul>	<p>Education (H) 02/21/17</p> <p>Introduced (H) 02/15/17</p>
<b>SB 84(BR-339)</b>	<p><b>AN ACT to create the position of school health coordinator in KY schools.</b> – <i>Sen. Reginald Thomas (Fayette)</i></p>	Education (S) 01/07/17

*\*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*

**Red Text – Changes since last update on 02/27/17**