

1 AN ACT relating to alcoholic beverages.

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

3 ➔Section 1. KRS 241.090 is amended to read as follows:

4 **(1)** State administrators and all investigators shall have the full police powers of peace
5 officers, **except as provided in subsection (2) of this subsection**, and their
6 jurisdiction shall be coextensive with the state. They may inspect any premises
7 where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked
8 in, without first obtaining a search warrant. They may confiscate any contraband
9 property. The jurisdiction and police powers of state administrators and all
10 investigators during an emergency declared under KRS Chapter 39A shall be
11 subject to the limitations of KRS 39A.090.

12 **(2) A state administrator shall not have the power to make arrests unless he or she is**
13 **certified in accordance with KRS 15.380 to 15.404.**

14 ➔Section 2. KRS 241.110 is amended to read as follows:

15 (1) **(a)** The fiscal court of any county in which traffic in alcoholic beverages is not
16 forbidden under KRS Chapter 242 may by resolution declare that regulation
17 of the traffic in that county is necessary.

18 **(b)** The county judge/executive shall immediately constitute a county alcoholic
19 beverage control administrator for the county. However, the county
20 judge/executive may decline to accept this office, or after accepting the office,
21 the county judge/executive may resign from the office, and in either event,
22 notwithstanding the provisions of KRS 241.120, **241.140, and** ~~to and~~
23 ~~including KRS~~ 241.150, the county judge/executive may promptly appoint a
24 person:

25 **1.** At least thirty (30) years of age;~~;~~

26 **2.** Who at the time of the appointment has been a citizen of the state and a
27 resident of that county for at least two (2) years next preceding the date

1 of appointment~~;~~ and

2 3. Who is able to qualify to serve at the pleasure of the county
3 judge/executive as county alcoholic beverage control administrator for
4 that county.

5 Before entering upon the duties of county alcoholic beverage control
6 administrator appointed by the county judge/executive, the appointee shall
7 take the oath prescribed by Section 228 of the Constitution. Upon the
8 qualification and appointment of this person as county alcoholic beverage
9 control administrator for the county, the person shall immediately notify the
10 department.

11 (2) The compensation of the county alcoholic beverage control administrator,
12 appointed by the county judge/executive, shall be fixed by the fiscal court in
13 accordance with KRS 64.530. The county judge/executive may also appoint any
14 investigators and clerks deemed necessary for the proper conduct of the county
15 alcoholic beverage control administrator's office, their salaries likewise shall be
16 fixed by the fiscal court pursuant to KRS 64.530, and they will serve at the pleasure
17 of the county judge/executive.

18 (3) No person shall be a county alcoholic beverage control administrator, an
19 investigator, or an employee of the county under the supervision of the county
20 alcoholic beverage control administrator, who would be disqualified to be a
21 member of the board under KRS 241.100.

22 (4) (a) The county alcoholic beverage control administrator, appointed by the county
23 judge/executive, and the administrator's investigators, shall have full police
24 powers of peace officers, and their jurisdiction shall be over the
25 unincorporated areas of the county and within the corporate limits of any city
26 in the county not having its own administrator. They may inspect any
27 premises where alcoholic beverages are manufactured, sold, stored, or

1 otherwise trafficked in, without first obtaining a search warrant.

2 (b) The ~~{county judge/executive, serving as the }~~county alcoholic beverage
3 control administrator, **and any investigator appointed by the administrator,**
4 shall not have the power to make arrests unless he or she is certified **in**
5 **accordance with**~~[under]~~ KRS 15.380 to 15.404.

6 (5) Before entering upon official duties, each county administrator shall take the oath
7 prescribed in Section 228 of the Constitution.

8 ➔Section 3. KRS 241.170 is amended to read as follows:

9 (1) **(a)** The city administrator in each city of the first class or the administrator in a
10 consolidated local government, and any investigators and clerks deemed
11 necessary for the proper conduct of this office, shall be appointed by the
12 mayor.

13 **(b)** The city administrator in each city of the first class or the administrator in a
14 county containing a consolidated local government, and the administrator's
15 investigators, shall have full police powers of peace officers, **except as**
16 **provided in subsection (5) of this section,** and their jurisdiction shall be
17 coextensive with boundaries of the city of the first class or the boundaries of
18 the county in a county containing a consolidated local government.

19 **(c)** They may inspect any premises where alcoholic beverages are manufactured,
20 sold, stored, or otherwise trafficked in, without first obtaining a search
21 warrant.

22 (2) **(a)** The city administrator in each city, other than a consolidated local
23 government, and any investigators and clerks deemed necessary for the proper
24 conduct of this office shall be appointed by the city manager if there is one. If
25 there is no city manager, the city administrator and any investigators or clerks
26 shall be appointed by the mayor.

27 **(b) Except as provided under subsection (5) of this section,** the jurisdiction of a

1 city administrator appointed pursuant to this subsection shall be coextensive
2 with the boundaries of the city, and the city administrator and the
3 administrator's investigators shall have the same powers authorized under
4 subsection (1) of this section.

5 (3) No person shall be an administrator, an investigator, or an employee of the city or a
6 consolidated local government under the supervision of the administrator, who
7 would be disqualified to be a member of the board under KRS 241.100.

8 (4) Before entering upon official duties, each city administrator shall take the oath
9 prescribed in Section 228 of the Constitution. An appointed city alcoholic beverage
10 control administrator shall immediately notify the department of qualification and
11 appointment.

12 **(5) (a) Except as provided in paragraph (b) of this subsection, an administrator or**
13 **investigator appointed under this section shall not have the power to make**
14 **arrests unless he or she is certified in accordance with KRS 15.380 to**
15 **15.404.**

16 **(b) This subsection shall not apply to any individual serving as an**
17 **administrator in a consolidated local government on the effective date of**
18 **this Act.**

19 ➔Section 4. KRS 241.230 is amended to read as follows:

20 (1) **(a)** The urban-county administrator in each urban-county government and any
21 investigators and clerks deemed necessary for the proper conduct of the
22 office, shall be appointed by the mayor.

23 **(b)** The urban-county administrator, and the urban-county administrator's
24 investigators, shall have full police powers of peace officers, **except as**
25 **provided in subsection (4) of this section,** and their jurisdiction shall be
26 coextensive with the urban-county governments. They may inspect any
27 premises where alcoholic beverages are manufactured, sold, stored, or

1 otherwise trafficked in, without first obtaining a search warrant.

2 (2) No person shall be an urban-county administrator, an investigator, or an employee
3 of the urban-county government under the supervision of the urban-county
4 administrator, who would be disqualified to be a member of the board under KRS
5 241.100.

6 (3) Before entering upon official duties, each urban-county administrator shall take the
7 oath prescribed in Section 228 of the Constitution. An appointed urban-county
8 alcoholic beverage control administrator shall immediately notify the department of
9 qualification and appointment.

10 **(4) An urban-county administrator or investigator appointed under this section shall**
11 **not have the power to make arrests unless he or she is certified in accordance**
12 **with KRS 15.380 to 15.404.**

13 ➔Section 5. KRS 244.290 is amended to read as follows:

14 (1) (a) A licensee authorized to sell distilled spirits or wine at retail shall be
15 permitted to sell and deliver distilled spirits and wine during the hours the
16 polls are open on any primary, or regular, local option, or special election day
17 unless it is located where the legislative body of a city, urban-county
18 government, consolidated local government, charter county government,
19 unified local government, or the fiscal court of a county adopts an ordinance
20 after June 25, 2013, that prohibits the sale of distilled spirits and wine or
21 limits the hours and times in which distilled spirits and wine may be sold
22 within its jurisdictional boundaries on any primary, or regular, local option, or
23 special election day during the hours the polls are open.

24 (b) This subsection shall only apply in a wet or moist territory.

25 (c) Notwithstanding any other provision of the Kentucky Revised Statutes to the
26 contrary, the fiscal court of a county shall not by ordinance or any other
27 means:

- 1 1. Supersede, reverse, or modify any decision made pursuant to this
- 2 subsection by the legislative body of a city within that county; or
- 3 2. Impose an action upon a city within that county when that city has taken
- 4 no formal action pursuant to this subsection.
- 5 (2) In any county containing a city of the first class, or a city with a population equal to
- 6 or greater than twenty thousand (20,000) based upon the most recent federal
- 7 decennial census in which the sale of distilled spirits and wine by the drink is
- 8 permitted under KRS Chapter 242, an election on the question of permitting the sale
- 9 of distilled spirits and wine by the drink on Sunday may be held as provided in KRS
- 10 Chapter 242.
- 11 (3) Except as permitted by KRS 243.050 and subsection (4) of this section, a licensee
- 12 authorized to sell distilled spirits or wine at retail shall not sell or deliver distilled
- 13 spirits and wine between midnight and 6 a.m. or at any time during the twenty-four
- 14 (24) hours of a Sunday.
- 15 (4) (a) A licensee authorized to sell distilled spirits and wine at retail may sell and
- 16 deliver distilled spirits and wine on Sunday and during the hours and times as
- 17 permitted by local ordinance of the legislative body of a city, urban-county
- 18 government, consolidated local government, charter county government,
- 19 unified local government, or the county with local jurisdiction. These
- 20 ordinances shall not prohibit the sale, gift, or delivery of distilled spirits or
- 21 wine between 6 a.m. and 12 midnight any day, except Sunday.
- 22 (b) A licensee authorized to sell distilled spirits and wine by the drink at retail
- 23 may sell distilled spirits and wine by the drink on Sunday and during the
- 24 times and hours as permitted by a local ordinance of the legislative body of
- 25 an urban-county government, consolidated local government, charter
- 26 county government, unified local government, city, or county with local
- 27 jurisdiction. The ordinance shall not prohibit the sale or gift of distilled

1 *spirits and wine by the drink between 6 a.m. and midnight during any day,*
2 *except Sunday.*

3 (5) In any territory containing a licensed small farm winery that is permitted to sell
4 alcoholic beverages under KRS Chapter 242, the sale of alcoholic beverages at the
5 small farm winery on Sunday may be permitted if:

6 (a) The legislative body of the local government having jurisdiction approves by
7 local ordinance the sale of alcoholic beverages on Sunday in strict accordance
8 with the sales permitted by KRS 243.155 on the licensed premises of a small
9 farm winery during the hours and times as permitted in the local ordinance; or

10 (b) A limited sale precinct election on the issue of Sunday sales is approved after
11 meeting the requirements of KRS 242.1241.

12 (6) In any county containing a city of the first class or in any city located in that county
13 in which the sale of distilled spirits and wine is permitted under KRS Chapter 242,
14 the distilled spirits administrator may issue a license to holders of a quota retail
15 drink license or a special private club license that permits the sale of distilled spirits
16 and wine by the drink on Sunday from 1 p.m. until the prevailing time for that
17 locality.

18 ➔Section 6. KRS 244.480 is amended to read as follows:

19 (1) Except as permitted by subsection (4) of this section, no brewer or distributor shall
20 deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m.
21 on any other day.

22 (2) Except as permitted by subsection (4) of this section, a licensee authorized to sell
23 malt beverages at retail shall not sell, give away, or deliver any malt beverages
24 between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a
25 Sunday.

26 (3) (a) A licensee authorized to sell malt beverages at retail may sell malt beverages
27 during the hours the polls are open on a primary, or regular, local option, or

1 special election day unless the licensee is located where the legislative body
2 of an urban-county government, consolidated local government, charter
3 county government, unified local government, city, or county, in which traffic
4 in malt beverages is permitted by KRS Chapter 242 has adopted an ordinance
5 after June 25, 2013, that prohibits the sale of alcoholic beverages or limits the
6 hours and times in which alcoholic beverages may be sold within its
7 jurisdictional boundaries on any primary, or regular, local option, or special
8 election day.

9 (b) This subsection shall only apply in a wet or moist territory.

10 (c) Notwithstanding any other provisions of the Kentucky Revised Statutes to the
11 contrary, the fiscal court of a county shall not by ordinance or any other
12 means:

- 13 1. Supersede, reverse, or modify any decision made pursuant to this
14 subsection by the legislative body of a city within that county; or
- 15 2. Impose an action upon a city within that county when that city has taken
16 no formal action pursuant to this subsection.

17 (4) (a) A licensee may sell or deliver malt beverages on Sunday and during the times
18 and hours as permitted by a local ordinance of the legislative body of an
19 urban-county government, consolidated local government, charter county
20 government, unified local government, city, or county with local jurisdiction.
21 The ordinance shall not prohibit the sale, gift, or delivery of any malt
22 beverages between 6 a.m. and midnight during any day, except Sunday.

23 (b) A licensee authorized to sell malt beverages by the drink at retail may sell
24 malt beverages by the drink on Sunday and during the times and hours as
25 permitted by a local ordinance of the legislative body of an urban-county
26 government, consolidated local government, charter county government,
27 unified local government, city, or county with local jurisdiction. The

- 1 *ordinance shall not prohibit the sale or gift of any malt beverages by the*
- 2 *drink between 6 a.m. and midnight during any day, except Sunday.*