

**243.230 Premises for which retail package, drink, and malt beverage licenses may be issued.**

- (1) Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located within cities of the first, second, or third class, or elsewhere in counties containing a city of the first, second, or third class if those counties maintain an adequate police force under KRS 70.540 and 70.150 to 70.170.
- (2) Notwithstanding any other provision of law, a liquor by the drink license to sell distilled spirits and wine for consumption on the premises may be issued for premises located within a city of the fourth class in which the majority of votes cast in the most recent election held under KRS 242.127 and 242.129 were in favor of the proposition voted upon if the city has an adequate police force under KRS 95.710 and 95.760 to 95.787.
- (3) Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second, or third class if those counties maintain an adequate police force under KRS 70.540 and 70.150 to 70.170.
- (4) Notwithstanding subsection (3) of this section, the board may, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within any city if:
  - (a) Substantial aggregations of population would otherwise not have reasonable access to a licensed vendor;
  - (b) The premises to be licensed under this subsection shall be used exclusively for the sale of distilled spirits and wine by the package and malt beverages, where applicable, and shall not be used in any manner, in connection with a dance hall, roadhouse, restaurant, store, or any other commercial enterprise, except as a drug store in which a registered pharmacist is employed.
- (5) No retail package or drink license for the sale of distilled spirits or wine shall be issued for any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 121, sec. 14, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 48, sec. 3, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 37, sec. 2, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 24, sec. 2, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 59, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 188, sec. 229, effective July 15, 1980. -- Amended 1972 Ky. Acts ch. 96, sec. 3. -- Amended 1944 Ky. Acts ch. 154, sec. 33. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2554b-129, 2554b-154.