

244.165 Unlawful sale and shipment by out-of-state seller directly to a Kentucky consumer -- Permissible shipments of wine and distilled spirits into Kentucky by out-of-state wineries, small farm wineries, and distilleries -- Penalty.

- (1) Except as provided in subsections (2), (3), and (4) of this section, it shall be unlawful for any person in the business of selling alcoholic beverages in another state or country to deliver or ship or cause to be delivered or shipped any alcoholic beverage directly to any Kentucky resident who does not hold a valid wholesaler or distributor license issued by the Commonwealth of Kentucky.
- (2) A winery or small farm winery located in another state may deliver or ship wine to a customer in Kentucky if:
 - (a) The wine, subscription, or club program membership is purchased by the customer in person at the winery or small farm winery;
 - (b) The Kentucky purchaser is of legal age;
 - (c) The out-of-state winery or small farm winery is licensed in Kentucky;
 - (d) Either:
 1. No more than four (4) cases of wine are purchased per day per visit; or
 2. The wine is purchased pursuant to subscription, or winery-sponsored or small farm winery-sponsored club programs, in quantities not to exceed an aggregate of one (1) case of wine per month per calendar year; and
 - (e) The wine is delivered or shipped through a licensed transporter or licensed common carrier authorized to deliver or ship wine in the jurisdiction in which the delivery or shipment will occur.
- (3) A distillery located in another state may deliver or ship distilled spirits directly to a customer in Kentucky if:
 - (a) The distilled spirits, subscription, or club program membership is purchased by the customer in person at the distillery;
 - (b) The Kentucky purchaser is of legal age;
 - (c) The distillery is licensed in Kentucky;
 - (d) Either:
 1. No more than four and one-half (4 1/2) liters of distilled spirits are purchased per day per visit for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of nine (9) liters per purchaser per day for sales on and after January 1, 2021; or
 2. The distilled spirits are purchased pursuant to subscription or distillery-sponsored club programs, in quantities not to exceed an aggregate of nine (9) liters of distilled spirits per calendar year; and
 - (e) The distilled spirits are delivered or shipped through a licensed transporter or licensed common carrier authorized to deliver or ship distilled spirits in the jurisdiction in which the delivery or shipment will occur.
- (4) A licensed transporter or common carrier making deliveries or shipments pursuant to this section shall deliver or ship directly to consumers over twenty-one (21) years

of age in packages clearly marked "Alcoholic Beverages, adult signature (21 years of age or over) required," and must request adult-signature-only service from the carrier. Deliveries or shipments of alcoholic beverages shall only be made into areas of the state in which alcoholic beverages may be lawfully sold. When the shipper requests adult-signature-only service, it shall be a violation for a common carrier not to inspect government-issued identification for proof of age or to knowingly deliver or ship alcoholic beverages into areas of the state in which alcoholic beverages are not legally sold.

- (5) Nothing contained in this section shall exempt a licensed out-of-state alcoholic beverage producer from obeying the laws of its resident state.
- (6) Any person who violates subsection (1) of this section shall, for the first offense, be mailed a certified letter by the department ordering that person to cease and desist any deliveries or shipments of alcoholic beverages to Kentucky residents, and for the second and each subsequent offense, be guilty of a Class D felony.

Effective: April 13, 2018

History: Amended 2018 Ky. Acts ch. 164, sec. 7, effective April 13, 2018. -- Amended 2010 Ky. Acts ch. 24, sec. 589, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 179, sec. 2, effective January 1, 2007. -- Created 1996 Ky. Acts ch. 72, sec. 1, effective July 15, 1996.