

243.081 Retail sale of alcoholic beverages on a delivery, to-go, or take-out basis -- Prohibitions -- Requirements -- Exemptions regarding delivery vehicle signage -- Application of other laws.

- (1) If authorized under its licensing statute, a license holder with the privilege of selling alcoholic beverages by the drink at retail shall be permitted to sell alcoholic beverages by the drink in a sealed container, and by the package in sealed original containers, on a delivery, to-go, or take-out basis, as follows:
 - (a) The sale of alcoholic beverages pursuant to this section shall be in conjunction with the purchase of a prepared meal and only in quantities that a reasonable person would purchase with a meal;
 - (b) Deliveries, if applicable, shall be made in a vehicle operated and owned by the licensee, the licensee's employee, or an independent contractor or agent; and
 - (c) Any person delivering alcoholic beverages shall be at least twenty-one (21) years of age.
- (2) All licensees and their employees and independent contractors are prohibited from:
 - (a) Selling alcohol in bulk quantities;
 - (b) Completing sales in dry territories; or
 - (c) Delivering:
 1. Into dry territory;
 2. To a minor under twenty-one (21) years of age; or
 3. To an intoxicated person.
- (3)
 - (a) For purposes of this section, alcoholic drinks to go shall be:
 1. Placed in a bag or other container that is secured in a manner that makes it visibly apparent if the container has been subsequently opened or tampered with; and
 2. Transported in a locked glove compartment or the trunk or other area that is not a passenger area under KRS 189.530(5).
 - (b) The department may, but is not required to, promulgate an administrative regulation that sets forth the:
 1. Conditions under which sales may take place;
 2. Days and times that sales may take place; and
 3. The requirements for transportation of alcoholic drinks to go under this section.
- (4) For purposes of this section, vehicles used for deliveries shall be exempt from displaying the name and license number of the retail licensee selling the alcoholic beverages being delivered.
- (5) Except as provided in this section, sales of alcoholic beverages shall be subject to all of the statutes and administrative regulations relating to the retail sale of alcoholic beverages.

Effective: March 15, 2021

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