PUBLIC PROTECTION CABINET

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Kerry B. Harvey
Secretary

ORDER

Effective: March 19, 2020 at 5:00 p.m.

On March 16, 2020, pursuant to Gov. Andy Beshear's Executive Order 2020-215 declaring a state of emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency, the Cabinet for Health and Family Services, the Department for Public Health, and the Public Protection Cabinet, Department of Alcoholic Beverage Control promulgated an Order prohibiting the onsite consumption of food and beverages, including alcoholic beverages, in the Commonwealth of Kentucky.

In order to diminish the economic impact to restaurants and bars caused by this sudden closing, pursuant to KRS 39A.180, the Department of Alcoholic Beverage Control (the "Department") hereby orders the following supplemental rules while the prohibition of onsite consumption of food and beverage persists under Executive Order 2020-215:

1. Any on-premises drink licensee may sell for off-premises consumption any alcoholic beverages that it is ordinarily able to sell for on-premises consumption under the law, subject to the following restrictions:
   a. Alcoholic beverages sold for off-premises consumption pursuant to this order must be sold in a closed and sealed original container (no to-go cups).
   b. The sale of any alcoholic beverages must be incidental to the purchase of a meal, and not in bulk quantities. This Order does not authorize deliveries of quantities of alcoholic beverages greater than may reasonably be expected to be consumed with the meal which is part of the delivery.
   c. Deliveries that include alcoholic beverages sold pursuant to this order shall be made in a vehicle owned and operated by the licensee, its employee or an independent contractor/agent. An independent contractor/agent does not need a separate transporter's license to make deliveries for one or more retail licensees. Any person delivering alcoholic beverages under this order must be at least twenty (20) years of age.
   d. Vehicles used for deliveries are not required to display the name and license number of the retail licensee selling the alcoholic beverages being delivered.

2. The same standards for selling/serving alcohol to consumers on a retailer's premises apply to delivering alcohol to consumers located off the retailer's premises. It is illegal to sell or deliver an alcoholic beverage to a minor under twenty-one (21) years of age or to an intoxicated person.
3. Nothing in this Order permits the delivery or sale of alcoholic beverages in dry territories.
4. The Department's enforcement division may take appropriate action to enforce this Order.
5. Alcoholic beverage licenses expiring on April 30, 2020, shall remain in effect for an additional thirty (30) days and authorize alcoholic beverage sales until May 31, 2020. Licensees must submit license renewal applications to continue alcoholic beverage sales thereafter.

Kerry B. Harvey, Secretary