

Andy Beshear
Governor



Kerry B. Harvey
Secretary

Allyson Taylor
Commissioner

PUBLIC PROTECTION CABINET
500 Mero Street 2NE33
Frankfort, KY 40601
502-564-4850 (o)
502-564-7479 (f)

Frequently Asked Questions

Many questions have arisen related to the Governor's Closure Order and the Cabinet's Order related to alcohol sales with food delivery and carry-out. This document outlines those questions and provides guidance from the agency.

1. Does the order allow for sell of alcohol through both delivery and carryout? **Yes. The order allows the licensee to provide alcohol in its unopened and sealed original container through home delivery, curbside service, or carry-out.**
2. Are bars and restaurants able to utilize services for delivery such as Uber Eats, Grub Hub, Door Dash, etc.? **Yes.**
3. What is a "closed and sealed original container"? **This means the original unopened packaging of the beverage; exactly what you could buy off a package retailer's shelf.**
4. Can we buy tamper resistant bottles, put margaritas in them, and then seal them? **No. that would not be an alcoholic beverage in its unopened and sealed original packaging.**
5. Can we purchase sealable containers, fill them with a cocktail, seal them and sell them that way? **No. Only alcohol in its unopened and sealed original container may be sold for off-premises consumption.**
6. Would putting margarita in a tamper evident container count as original container? It is sealed and will not be open until delivered. **No. Only alcohol in its unopened and sealed original container may be sold for off-premises consumption.**
7. Does this order apply to bars? **If the bar sells food, then yes. The order requires that the home delivery, curbside service, or carry-out of the alcohol is only allowed with the sale of food.**
8. Does the Governor's order closing bars and restaurants to on-premises consumption apply to private clubs? **Yes. All on-premises consumption is prohibited.**
9. Can a private club with an NQ3 retail drink license sell alcoholic beverages for off-premises consumption? **A private club can only allow members to enter the premises and must exclude the general public. For this reason, a private club holding an NQ3 license may only sell alcoholic beverages to club members for off-premises consumption through carry-out, curbside service, drive-thru, or delivery." A private club cannot sell alcoholic beverages to the general public.**
10. Can a golf course licensee serve beverages to golfers for on-site consumption? **No. All on-site consumption is prohibited.**
11. Can a country club that has a restaurant and liquor license also sell alcohol and food by carry-out, curbside service or home delivery under this order? **Yes.**
12. Do microbreweries, package retailers or others who have been allowed to deliver to consumers now have to deliver food in order to continue those deliveries? **No. Businesses previously licensed to deliver alcohol are not precluded from continuing to do so.**

13. Are tastings and samplings at distilleries permitted? **No. All on-site consumption is prohibited.**
14. Can a venue buy food and alcohol from a restaurant or caterer and then deliver or provide for carry-out under this order? **No.**
15. Can a caterer who is licensed to sell by the drink sell food and alcohol by carry-out or delivery under this order? **Yes.**
16. If a customer is waiting on a carry-out order, can the restaurant serve the patron a beer or other alcoholic beverage while they wait? **No. All on-premises consumption is prohibited.**
17. How much alcohol is considered incidental to the purchase of a meal? **A serving of alcoholic beverages that a person would normally order when eating a meal at a restaurant. Since a person would not order a 1.75L bottle of distilled spirits with a meal, it is not proper to sell such a bottle for off-premises consumption. The amount delivered or carried-out must be reasonable. For example, a couple pizzas and a case of beer, would be reasonable. A couple pizzas and a case of wine, would not.**
18. Is a sell by the drink liquor license different from a Caterer's license or a Sunday retail drink license? Can establishments with those types of licenses sell alcohol under the new Order to sell packaged liquor?" **There are several different types of "drink" licenses that permit alcoholic beverage sales for consumption on the licensed premises (QD, NQ1, NQ2, NQ3, NQ4, LR, and more). A caterer's license is a different type of license but it also authorizes retail drink sales. Licensed caterers can sell alcoholic beverages under the Order. A Sunday drink license is a supplemental license and only authorizes drink sales on Sunday. If the holder of a drink license also holds a Sunday drink license, the holder can sell alcoholic beverages under the Order on Sunday at times permitted by local ordinance.**
19. With everything going on with the restaurants, can we sell unopened bottles of wine with food purchases? **Yes.**
20. If we were to sell a bottle of wine to a customer, and the customer did not finish it while waiting for their meal, would the law still be the same? As in, we would cork the wine, put it in a bag, staple the bag shut with a receipt on the outside of the bag. **This question presumes on-site consumption which is no longer permitted. However, the licensee may sell an unopened bottle of wine with a meal by home delivery, curbside service or carry-out.**
21. Are businesses permitted to sell growlers of beer? **Beer growlers are permitted under 804 KAR 11:040 but such sales require a NQ retail malt beverage package license. Nothing in the Order changes the law related to growlers.**
22. Can a hotel provide alcohol to a guest for in-room consumption? **Yes.**
23. If a business is temporarily closing due to COVID-19, are they required to notify the Department of such closure and suspend their license? **No. Businesses are not required to suspend their license or notify the Department of closure or reopening due to COVID-19.**
24. Are businesses permitted to make or bottle hand sanitizer? **The Kentucky Distillers' Association (KDA) is providing guidance about distilleries producing hand-sanitizer. The KDA contact person is Colleen Thomas, Director of Member and Public Affairs. Her email is colleen@kybourbon.com.**