

Kentucky State ABC Guide Sheet for Small Farm Wineries

Selling their Wine at Kentucky Farmers Markets-Fairs-Festivals or Similar Types of Events.

Follow these requirements **before** you consider selling your wines away from your Ky. licensed small farm winery at fairs, festivals or similar types of events authorized under KRS 243.155 Section (2) (d). This state law allows an ABC licensed small farm winery to sell the wines they produce at their wineries or wines produced by another licensed small farm winery, if in wet territory under the following conditions:

ABC is often asked what qualifies as a "similar type of event" as defined in KRS 243.155 (2) (d). Here are some examples:

- ✓ County and town fairs or carnivals;
- ✓ Community sponsored festivals;
- ✓ Civic sponsored festival;
- ✓ Charitable sponsored events;
- ✓ Organized exhibitions and competitions; and
- ✓ "Kentucky Proud" farmers markets

On the other hand, wedding receptions, yard sales, private parties, art exhibits, or store openings are not approved events. If you are in doubt about whether a planned event qualifies as a winery "similar type of event," please contact our Distilled Spirits and Wine ABC Administrator at (502) 564-4850 for guidance.

Once you have determined this event is located in wet territory and meets the provisions under KRS 243.155 (2) (d) you shall contact the local city or county ABC administrator of the event territory. Although you are not required to obtain additional ABC licensing for these events you may need to obtain local permits or local approval for festival space, tents, tax number, or vending permits. A list of these local administrators may be obtained on our State ABC web site or by calling our office at (502) 564-4850.

City ABC Local Administrators: <http://www.abc.ky.gov/NR/rdonlyres/693A99DD-2B76-4D39-8BC8-20C39ED34365/0/CityABCAdministrators.pdf>

County ABC Local Administrators: <http://www.abc.ky.gov/NR/rdonlyres/2753A2E5-719E-48FE-9210-DEC37BF16951/0/COABCAdministratorsexl.pdf>

Listed below are additional steps you shall take when selling your wines at fairs and festivals:

1. A copy of your Ky. State ABC small farm winery license shall to be posted at the event booth. KRS 243.620
2. Only wines you produce at your licensed winery or produced by other licensed small farm wineries may be sold at the event. KRS 243.155 Section (2) (d)
3. No tasting or samplings of "free" wine and no wine may be advertised as "free." All wine shall be sold for cost or above. KRS 244.050 & 804 KAR 1:100
4. No wine shall be sold, tasted, or offered for sale **by the drink** unless local laws of the event territory permit drink sales. KRS 242.125. Check with your local ABC administrator before selling by the drink.
5. No wine shall be sold on Sundays unless Sunday sales are authorized by statute or by local ordinance at the event territory. KRS 244.290. Check with your local ABC administrator before selling wine on Sunday.
6. No wine shall be sold before or after legal hours. State law allows selling hours between 6:00 a.m. and 12:00 a.m. Monday – Saturday. Local ordinances may extend these hours under KRS 244.290. Check with your local ABC administrator for local selling hours.
7. All employee or persons selling wine to consumers shall be at least 20 years of age. KRS 244.090. Check with the local ABC administrator of the event territory and see if there is a mandatory alcohol servers training ordinance your servers and sellers must meet. You may also obtain a list of these areas that have mandated alcohol servers training at our State ABC Web Site. <http://www.abc.ky.gov/NR/rdonlyres/2A4A1D27-1177-4336-8961-6ABE4D616E18/0/MandatedServerTraining071310.pdf>
8. All persons purchasing or consuming wine must be at least 21 years of age. KRS 244.085.
9. A small farm winery may not participate at events where the event premises are currently licensed by another ABC licensee. If you have any questions regarding this requirement contact our office for additional information. Special requests shall be approved by our Kentucky State ABC Distilled Spirits and Wine Administrator.
10. Wines sold to the consumer by the package shall be sold in unopened containers and shall not be opened or consumed on your licensed premises or the event site. Package sales are to be carried away from the licensed premises by the consumer.

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243.155 Small farm winery license -- Eligibility and application process -- Business authorized by license -- Off-premise retail sales outlet in wet territory -- Use of Kentucky products -- Other permitted licenses -- Application to persons previously licensed as small or farm wineries.

(1) Any in-state or out-of-state small farm winery may apply for a small farm winery license. In addition to all other licensing requirements, an applicant for a small farm winery license shall submit with its application a copy of the small farm winery's federal basic permit and proof documenting its annual wine production. An out-of-state winery shall submit additional documentation evidencing its resident state. As part of the application process, an out-of-state winery shall publish its notice of intent, as required by KRS 243.360, in the Kentucky newspaper of highest circulation. The department shall promulgate administrative regulations establishing the form the documentation of proof of production shall take.

(2) A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed:

(a) Manufacture wines and bottle wines produced by that small farm winery;

(b) Bottle wines produced by another small farm winery;

(c) Serve on the premises or at small farm winery off-premise retail sites complimentary samples of wine produced by it in amounts not to exceed six (6) ounces per patron per day, if the small farm winery or its off-premise retail site is located in wet territory;

(d) Sell by the drink or by the package on premises, at small farm winery off-premise retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;

(e) Sell and transport wine produced on the premises of the small farm winery to wholesale license holders and small farm winery license holders;

(f) Consume on the premises wine produced by the small farm winery or a licensed small farm winery and purchased by the drink or by the package at the licensed premises, if the small farm winery is located in wet territory; and

(g) Ship to a customer wine produced by a small farm winery if:

1. The wine is purchased by the customer in person at the small farm winery;

2. The wine is shipped by licensed common carrier; and

3. The amount of wine shipped is limited to two (2) cases per customer per visit.

(3) If a licensed small farm winery is located in a dry territory, KRS 242.230 to 242.430 shall apply, unless a local option election is held in accordance with the provisions of this subsection. A limited sale precinct election may be held in a precinct containing a licensed small farm winery or a proposed small farm winery located in a dry territory. The election shall be held in the same manner as prescribed by KRS 242.010 to 242.040 and 242.060 to 242.120. If the precinct contains a licensed small farm winery, the proposition to be voted on shall state, "Are you in favor of the sale of wine at the (name of the licensed small farm winery or wineries)?" If the precinct contains a proposed small farm winery or wineries, the proposition voted on shall state, "Are you in favor of the sale of wine at the (name of the proposed small farm winery or wineries)?" If the proposition is approved, a licensed small farm winery within the precinct may sell wine in accordance with subsection (2) of this section.

(4) Other provisions of this chapter and KRS Chapter 244 notwithstanding, a small farm winery license holder may also hold a restaurant wine license and a retail malt beverage license, provided the issuance of these licenses is in connection with the establishment and operation of a restaurant, hotel, inn, bed and breakfast, conference center, or any similar business enterprise the purpose of which is to promote viticulture, enology, and tourism. The retail malt beverage license issued under this subsection shall limit the licensee to the sale of malt beverages for consumption on the premises only.

(5) This section shall not exempt the holder of a small farm winery license from the provisions of KRS Chapters 241, 242, 243, and 244, nor from the administrative regulations of the board, nor from regulation by the board at all premises licensed by the small farm winery, except as expressly stated in this section.

(6) Nothing contained in this section shall exempt a licensed out-of-state winery from obeying the laws of its resident state.

(7) Any person previously licensed as a small or farm winery under this chapter prior to January 1, 2007, shall hereby be authorized to conduct business as a small farm winery licensee, until such time as the term of his or her small or farm winery license expires. Upon the expiration of the term remaining on his or her small or farm winery license, a licensee who is in good standing shall be issued a small farm winery license as part of the renewal process after he or she submits to the department the winery's federal basic permit and proof of its annual wine production.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 569, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 179, sec. 1, effective January 1, 2007. -- Amended 2005 Ky. Acts ch. 142, sec. 1, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 167, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 357, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 148, sec. 1, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 451, sec. 1, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 54, sec. 5, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 433, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 244, sec. 2, effective July 15, 1982. -- Created 1976 Ky. Acts ch. 381, sec. 2.

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Mandated Server Training

The following cities or counties have passed local ordinances requiring
 "Responsible Alcoholic Beverage Server Training"

Revised 08/01/11

CITY OR COUNTY	LOCAL ABC ADMINISTRATOR	PHONE NUMBER
1. Bowling Green	Doug Hawkins	270-393-3000
2. Boyd County	Valerie N. Smith	606-739-0010
3. Burnside	Craig Whitaker	606-561-4113
4. Cadiz	Hollis L. Alexander	270-522-8369
5. Calvert City	John E. Ward	270-395-7138
6. Campbellsville	Allen Crabtree	270-465-7011
7. Carrollton	Michael Willhoite	502-732-6621
8. Catlettsburg	Valarie N. Smith	606-739-0104
9. Cave City	Pamela N. Hunt	270-773-2188
10. Coal Run Village	C. La Verne Dye	606-437-6032
11. Corbin	Col Gary Bruce Rains	606-523-1122
12. Danville	Tom Bustle or Bridgette Milby	859-238-1200
13. Dawson Springs	Bill Crider	270-797-2277
14. Dry Ridge	Clay Crupper, Mayor	859-823-7561
15. Elizabethtown	Thomas S. Reynolds	270-765-6121
16. Franklin County	Ted Collins, Co. Judge Ex.	502-875-8751
17. Frankfort	Doug Young or Steve Dawson	502-875-8500
18. Georgetown	Karen Tingle-Sames, Mayor	502-863-9800
19. Glasgow	Brandon Kerney	270-651-5131
20. Hardinsburg	Holly Fowler	270-756-2213
21. Harlan (City)	Michael Thomas, City Chief of Police	606-573-2912
22. Harrodsburg	Rebecca McKinney	859-734-7705
23. Hickman	Donna Haney	270-236-2535
24. LaGrange	Kevin Collett	502-225-0444
25. Lancaster	Tom Royce	859-792-2241
26. Lexington/Fayette County	Frank E. Wilson	859-258-3796
27. Leitchfield	Ms. Erin Embry	270-259-4034
28. London	Stewart Walker	606-878-7004
29. Lyndon	Stacey Woodward	502-423-0932
30. Mayfield	Arthur Byrn and Tamie Johnson	270-247-1981
31. Mt. Sterling	Michael Jones	895-498-8725
32. Mt. Washington	Melvin D. Davis	502-538-8143
33. Murray	Bill Wells	270-762-3050
34. Nicholasville	Jerry Lovett	859-967-6678
35. Oak Grove	Dan Potter and Dianna Alfarano	270-439-4646
36. Oldham County	Craig Smith	502-222-1300
37. Owensboro	Jeffery Ashworth	270-687-8550
38. Paintsville	Robert Porter	606-789-2600
39. Radcliff	Ashley C. Russo	270-351-4714
40. Richmond	Mark Shepherd	859-623-3877
41. Russellville	Sgt. Victor Shifflett and Berry Dill	270-726-7669
42. Shelby County	Paula Webb	502-633-1229
43. Shelbyville	Robert Schutte and Maj. Danny Goodwin	502-931-0508
44. Spencer County	Robert Allen Jones, County Judge Executive	502-477-3205
45. Trigg County	Stan Humphries, County Judge Executive	270-350-0053
46. Union County	Jody Jenkins, County Judge Executive	270-389-1081
47. Whitesburg	Eleanor Caudill	606-633-3703
48. Williamstown	Glenn Caldwell	859-824-6351
49. Earlington	David Gamble	270-383-5364
50. Manchester	George Saylor	606-598-3456

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Kentucky ABC contact information:

Commonwealth of Kentucky
Department of Alcoholic Beverage Control
1003 Twilight Trail, Suite A
Frankfort, Kentucky 40601
(502) 564-4850

<http://www.abc.ky.gov/>

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