

Kentucky General Assembly 2016 Regular Session - Alcoholic Beverages & Alcoholism Bills

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POWDERED ALCOHOL, PUBLIC CONSUMPTION, & EXTENDED HOURS

| Bill No. | Description – Sponsor(s) | Status |
|--|--|---|
| SB 11(BR-399) SCS1/CI/FN/LM SFA1 SFA2 HFA1 | <p>AN ACT relating to alcoholic beverages. - <i>Sen. John Schickel, Damon Thayer, Julie Adams, Tom Buford, Julian Carroll, Morgan McGarvey, Dan Seum, Perry Clark (8)</i></p> <ul style="list-style-type: none"> ▪ “Omnibus Alcohol Bill” ▪ Clarify regulations on alcohol w/o liquid devices and powdered alcohol ▪ Forbid any person to possess, sell, offer for sale, or use any powdered or crystalline alcoholic beverage product (Similar: 2016 HB43- <i>Rep. Richards</i>) ▪ Establish an “authorized public consumption” (APC) license for use w/ commercial quadricycles driven by a KY ABC STAR certified employee. Allow patrons to bring only their own unopened packaged alcohol in non-descriptive plastic cups for personal consumption after boarding & while riding. Allow under-21s to remain at APC premises. (Similar: 2016 SB219- <i>Sen. Julie Adams</i>; & 2015 HB224- <i>Rep. Marzian, Butler, Osborne</i>- LOA(S), Passed(H) 58-30) ▪ Require group circulating local option petition to bear the cost of the election if it is held on a day other than a primary or regular election day ▪ SFA1 (<i>P. Hornback</i>) –Enable distillers to provide free novelties & free by-products only to visitors 21 years of age or older ▪ HFA1 (<i>Santoro, Sal</i>) – Allow a city adjacent to a federal/ state waterway to hold its own local option election (Similar: 2016 HB433 HFA1) ▪ (Similar: 2015 SB81- <i>Sen. Schickel, Buford, Girdler, Higdon, McGarvey, Thayer</i>- L&O(H), Passed(S) 29-7; & 2015 HB71 SCA2- Rules(H), Passed(S) 31-7) | <p>HFA1 filed 02/23/16</p> <p>L&O (H) 01/19/16</p> <p>PASSED SENATE 29-8 vote w/ SCS, SFA1 & SFA2 01/14/16</p> <p>Licensing, Occup., & Admin. Reg. (S) –Favorable 1st reading w/ SCS 01/12/16</p> |
| HB 43(BR-1) | <p>AN ACT relating to powdered or crystalline alcoholic beverage products. – <i>Rep. Jody Richards, Tom Riner, Wilson Stone, Susan Westrom, Rita Smart, Linda Belcher</i></p> <ul style="list-style-type: none"> ▪ Prohibit powdered or crystalline alcoholic beverage products ▪ Add powdered or crystalline alcohol to the alcoholic beverage definition | <p>L&O (H) 01/05/16</p> |
| SB 219(BR-1215) | <p>AN ACT relating to licensing. – <i>Rep. Julie Adams</i></p> <ul style="list-style-type: none"> ▪ Establish an “authorized public consumption” (APC) license for use w/ commercial quadricycles. Allow patrons to bring only their own unopened packaged alcohol in non-descriptive plastic cups for personal consumption. Allow under-21s to remain at APC premises. (Similar: 2016 SB11; & 2015 HB224- <i>Rep. Marzian, Butler, Osborne</i>- LOA(S), Passed(H) 58-30) | <p>Licensing, Occup, & Admin Reg (S) 02/25/16</p> |
| SB 12(BR-401) | <p>AN ACT relating to the extended hours supplemental license. –<i>Sen. John Schickel, Julian Carroll</i></p> <ul style="list-style-type: none"> ▪ Allows an extended hours supplemental license to be issued for retail by-the-drink alcohol sales to NQ1 retail drink, QHS, or commercial airport licensees ▪ Allow professional sporting venues to sell alcohol outside the prevailing times for local sales of alcohol, including Sunday, if the venue is hosting an event that will begin outside the normal hours for alcohol sales; has a seating capacity of 75,000 or more; holds an NQ1 retail drink; an extended hours supplemental license; & a Sunday retail drink license, and is not licensed under KRS Chp. 230 | <p>Received L&O (H) 01/19/16</p> <p>PASSED SENATE 28-8-1 vote 01/14/16</p> |

TAXES, FEES, DISCOUNTS, DISTILLERY & COLLEGE/UNIVERSITY SAMPLING LICENSES

| Bill No. | Description – Sponsor(s) | Status |
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| <u>SB 110(BR-1164)</u> | <p>AN ACT relating to city licensing fees for alcoholic beverage sales. – <i>Sen. D. Carroll</i></p> <ul style="list-style-type: none"> Allow cities to impose a regulatory license fee on alcoholic beverage sales | A. & Revenue (S) 01/21/16 |
| <u>HB 310(BR-1204)</u> | <p>AN ACT relating to the reduction of the distilled spirits wholesale sales tax rate.</p> <p>– <i>Rep. Westrom, Santoro, Bechler, Belcher, Bratcher, Brown, Burch, Floyd, Gooch, Graham, Horlander, Howard, Jenkins, Keene, Koenig, Marzian, Meeks, Meyer, Miller, Mills, Osborne, Overly, Palumbo, Riggs, St. Onge, Watkins, Webber, Tipton, Clark (29)</i></p> <ul style="list-style-type: none"> Phase down the wholesale sales tax rate on distilled spirits beginning 8/1/16 | A. & Revenue (H) 01/28/16 |
| <u>HB 433(BR-1306)/LM</u> <u>HFA1</u> | <p>AN ACT relating to alcoholic beverages. – <i>Rep. Bechler, Osborne, Kay, Graham, Bratcher, Brown Jr., Bunch, Butler, Crimm, DeCesare, DeWeese, Donohue, Dossett, Flood, Floyd, Horlander, Jenkins, Koenig, Marzian, Meeks, Meredith, Meyer, C. Miller, J. Miller, Mills, Montell, Overly, Owens, Palumbo, Riggs, Santoro, Schamore, Simpson, Smart, St. Onge, Wayne, Webber, Westrom, Wuchner, Yonts, Glenn, Moffett, Tipton, Richards (44)</i></p> <ul style="list-style-type: none"> Allow distillers, rectifiers, wineries and wholesales to give “discounts” in the usual course of business” if the same discounts are given to licensees Redefine “souvenir package” of KY distilled spirits <9 liters/customer/day Allow precinct-level local option election to allow alcohol sales at a distillery Allow distillery use of a sampling license or NQ3 license Allow distiller to provide free production-by-products/ nonalcoholic novelties <u>HFA1</u> (<i>Santoro</i>) – Allow cities adjacent to federal/state waterways to hold its own local option election | <p>HFA1 filed 02/23/16</p> <p>L&O (H) 02/22/16</p> |
| <u>HB 485(BR-1822)</u> | <p>AN ACT relating to restaurants rewards programs & the sale of alcohol. – <i>Rep. Arnold Simpson</i></p> <ul style="list-style-type: none"> Prohibit the redemption of points for free or discounted alcoholic beverages through restaurant rewards programs | L&O (H) 02/25/16 |
| <u>HB 605(BR-1789)</u> | <p>AN ACT relating to sampling licenses. – <i>Rep. James Kay</i></p> <ul style="list-style-type: none"> ALLOW COLLEGES & UNIVERSITIES to obtain a “culinary sampling license” to PERMIT STUDENTS/ persons 21 or older on the first day of a sampling class to SAMPLE ALCOHOLIC BEVERAGES & require class instructors attend STAR. | L&O (H) 03/02/16 |

DUI, SHOCK PROBATION, REPEAT OFFENSE PENALTIES, & IGNITION INTERLOCKS

| Bill No. | Description – Sponsor(s) | Status |
|---|--|---|
| SB 39(BR-293) HB 451(BR-1169) | (SB39) AN ACT relating to shock probation, prohibition w/ DUI death – <i>Sen. Adams</i> (HB451) AN ACT relating to shock probation – <i>Rep. Robert Benvenuti III, Sal Santoro</i> <ul style="list-style-type: none"> ▪ Prohibit shock probation if a person is convicted of DUI & of manslaughter in the second degree or reckless homicide in the same incident ▪ (Similar: 2015 SB45 – <i>Sen. Adams, Embry</i>- Judiciary(S); & 2015 HB447- <i>Rep. Benvenuti III</i>- Judiciary(H)) | (SB39) Judiciary (S) 01/12/16 (HB451) Judiciary (H) 02/22/16 |
| SB 56(BR-54) HB 13(BR-67) HB 486(BR-2052) | (SB56) AN ACT relating to DUI & declaring an emergency. “Brianna Taylor Act” – Brianna, an Elizabethtown High School graduate, was 17 when she died in a summer 2014 car wreck in Hardin County. ^{LRCeNews, 2015-01} – <i>Sen. Dennis Parrett, Danny Carroll, Reginald Thomas</i> (HB13) AN ACT relating to DUI & declaring an emergency. “Protecting Kentuckians from Impaired Driving Act” – <i>Rep. Kelly Flood, Rita Smart</i> (HB486) AN ACT relating to DUI. Restructure existing penalties from a four-tiered to a three-tiered structure, and allow forfeiture of motor vehicles used in DUIs when operator’s license was previously suspended.– Rep. Kim King, Regina Bunch <ul style="list-style-type: none"> ▪ Expand the look-back window for prior DUI offenses from five to 10 years ▪ Expand the window for quarterly reporting of pending DUI cases ▪ (Similar: 2016 HB504; & 2015 SB34 – <i>Sen. Parrett, Westerfield, Wilson, Embry Jr., Carroll, Thomas</i>. Approp. & Revenue (H), Passed(S) 32-0) | (SB56) Health & Welfare (H) 01/25/16 PASSED SENATE 35-1 vote 01/20/16 Judiciary (S) 1 st reading 01/14/16 (HB13) Judiciary (H) 01/05/16 (HB486) Judiciary (H) 02/26/16 |
| HB 504(BR-1748) | AN ACT relating to DUI. – <i>Rep. Robert Benvenuti III, Sal Santoro</i> <ul style="list-style-type: none"> ▪ Expand the look-back window for prior DUI offenses committed w/o aggravators from five to 10 years; provide that DUI offenses w/ aggravators remain on record as prior offenses. ▪ (Similar: 2016 SB56; HB13; 2016 HB486; & 2015 SB34 – <i>Sen. Parrett, Westerfield, Wilson, Embry Jr., Carroll, Thomas</i>. Approp. & Revenue (H), Passed(S) 32-0) | Judiciary (H) 02/29/16 |
| HB 117(BR-84) | AN ACT relating to DUI & 1 st time offense limit. – <i>Rep. Jim DuPlessis, Sal Santoro, James Tipton, Jim Moore</i> <ul style="list-style-type: none"> ▪ Restrict DUI offenders to one 1st time offense per lifetime; & require subsequent offenses during any five year look-back period be 2nd offenses | Judiciary (H) 01/05/16 |
| SB 302(BR-94) | AN ACT relating to DUI & Ignition Interlocks – <i>Sen. Morgan McGarvey</i> <ul style="list-style-type: none"> ▪ Provide the Transportation Cab. the authority to revoke a driver’s ignition interlock license for failure to install an ignition interlock within 30-days | Introduced (S) 03/03/16 |
| HB 368(BR-1565) SB 234(BR-1915) | (HB368) AN ACT related to trial by jury – <i>Rep. Dennis Horlander, Charles Miller</i> (SB234) AN ACT relating to trial by jury – <i>Sen. Dennis Parrett, Whitney Westerfield, Wil Schroder</i> <ul style="list-style-type: none"> ▪ Provide the right to trial by jury in criminal cases relating to the operation of motor vehicles, aircraft, boats, and other vehicles while under the influence of alcohol, drugs, or other impairing substances. | (HB368) Judiciary (H) 02/09/16 (SB234) Judiciary (S) 02/29/16 |

LOCAL OPTION ELECTIONS, & EXPANSION OF ALCOHOL SALES

| Bill No. | Description – <i>Sponsor(s)</i> | Status |
|---|--|---|
| <u>HB 207(BR-1074)</u> | <p>AN ACT relating to elections. – <i>Rep. Kenny Imes</i></p> <ul style="list-style-type: none"> ▪ Require local option elections related to alcohol sales to be on the same day as a primary or regular election, and to establish filing deadlines for petitions ▪ (Similar: 2015 HB373- <i>Rep. Greer, Schamore, Osborne, Richards</i>- Recommitted to Elections, Const. Amend. & Intergov. Affairs(H); 2016 HB53 [Withdraw] – <i>Imes</i>) | L&O (H) 01/11/16 |
| <u>HB 416(BR-1337)</u> | <p>AN ACT relating to alcohol. – <i>Rep. Dennis Horlander, Charles Miller</i></p> <ul style="list-style-type: none"> ▪ Eliminate population criteria for cities conducting local option elections ▪ Allow expansion of alcohol sales within cities or counties where economic hardships exist ▪ Allow quota retail package licensees to obtain an NQ1 retail drink license ▪ Eliminate the population criteria for Sunday and election day sales | L&O (H) 02/17/16 |
| <u>HB 621(BR-1802)</u> <u>HFA1</u> | <p>AN ACT relating to elections. – <i>Rep. David Osborne, Tim Couch, Richard Heath</i></p> <ul style="list-style-type: none"> ▪ Allow local option election cost to be refunded if the election is held on a day other than a primary or regular election day, & the vote is successful ▪ Permit a local option election on the same day as a primary/ regular election ▪ Limit territories from having a local option election more than once every seven years (HFA1 – <i>Rep. David Osborne</i>), deletes this language) | HFA1 filed 03/04/16 L&O (H) 03/02/16 |
| <u>HB 253(BR-1259)</u> | <p>AN ACT relating to microbreweries. – <i>Rep. Susan Westrom, Sal Santoro, Kelly Flood, Jerry T. Miller</i></p> <ul style="list-style-type: none"> ▪ Increase microbreweries’ annual production limit from 25K to 50K barrels ▪ Authorize a microbrewery license holder to sell its products at fairs, festivals, and similar events in an amount not to exceed 288 ounces per day | L&O (H) 01/19/16 |