

243.084 Nonquota type 2 or NQ2 retail drink license -- Issuance to certain hotels, certain restaurants, airports, or riverboats -- Privileges, duties, and restrictions for eligible entities -- Package sales prohibited.

- (1) A "Nonquota type 2" or "NQ2" retail drink license may be issued to:
 - (a) A hotel that:
 1. Contains at least fifty (50) sleeping units;
 2. Contains dining facilities for at least fifty (50) persons; and
 3. Receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food;
 - (b) A restaurant with a minimum seating for fifty (50) consumers at tables;
 - (c) An airport; or
 - (d) A riverboat.
- (2) A qualifying hotel, restaurant, airport, or riverboat holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.
- (3)
 - (a) A riverboat holding an NQ2 license may sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the premises of the riverboat. The riverboat shall have a regular place of mooring in a wet county or city of this state.
 - (b) A riverboat that has a regular place of mooring outside this state, may be licensed if the boat has an alternative regular place of mooring that qualifies under paragraph (a) of this subsection.
 - (c) An NQ2 license issued under this subsection shall not be transferable to another riverboat, vessel, or other premises.
 - (d) If a riverboat moors or makes landfall in a location other than its regular or alternate regular place of mooring, all distilled spirits, wine, and malt beverages shall be kept locked.
 - (e) A riverboat licensed under this subsection shall not take on or discharge passengers when mooring or making landfall in dry option territory.
 - (f) A riverboat NQ2 licensee shall comply with the license restrictions governing licensed premises in the regular place of mooring or alternative place of mooring.
- (4) An NQ2 retail drink license shall not be issued to any restaurant or any dining facility in a hotel, unless the applicant can demonstrate to the director or administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total food and alcoholic beverage receipts of the restaurant or dining facility for the license period.

Effective: July 15, 2014

History: Amended 2014 Ky. Acts ch. 22, sec. 11, effective July 15, 2014. -- Created 2013 Ky. Acts ch. 121, sec. 41, effective June 25, 2013.