

## SERVICE ISSUES RELATED TO MINORS

You must **NOT** provide (or allow anyone else to provide) an alcoholic beverage to any person under 21 years of age. (KRS 244.080(1) and 530.070(1); RCO 3-23.1)

If you work for a by-the drink retailer or a package retailer you must **NOT** allow any person under 21 years of age to loiter on the premises unless a statutory exemption applies as to the type of establishment you work for (hotel, motel, restaurant, etc.), or the minor is a certain type of employee. (KRS 244.085 (6) – (8))

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## SERVICE ISSUES RELATED TO CERTAIN CUSTOMERS OR THE TRANSACTION

You must **NOT** provide (or allow anyone else to provide) an alcoholic beverage to any person who appears to be, or is actually intoxicated. (KRS 244.080(2))

You must **NOT** provide (or allow anyone else to provide) an alcoholic beverage to any of the following persons: (1) a person known to you to be a habitual drunkard, (2) a person known to you to have been convicted of drunkenness 3 or more times in the last 12 months, (3) a person known to you to have been convicted of any misdemeanor attributed directly or indirectly to the use of alcohol, or (4) a person known to you to have been convicted of a felony. (KRS 244.080(3)&(4))

If you work for a private club you must **NOT** allow or permit the “general public” on the premises while alcoholic beverages are present (club members and their guests are acceptable). (KRS 243.270)

Unless you work for a private club, restaurant, or hotel, you must **NOT** extend personal credit for distilled spirits or wine. (KRS 244.300)

Unless a limited “sampling” or other statutory exception applies, you must **NOT** “treat” (i.e., give away or deliver) an alcoholic beverage for less than the full monetary consideration. (KRS 244.050)

You must **NOT** allow or permit a person who has an alcoholic beverage that was obtained somewhere else to enter the premises. (KRS 244.167)

You must **NOT** allow or permit a person to carry an “open” container of alcohol off the premises. (KRS 243.020 (1))

If you work for a package retailer you must **NOT** allow or permit open containers, or the consumption of, distilled spirits or wine on the premises. (KRS 244.340 (3))

If you work for a package retailer licensee you must **NOT** knowingly allow or permit the habitual congregating of persons upon the unenclosed portion of the premises such that it creates a public nuisance. (RCO 3-23.2)

You must **NOT** allow or permit the premises to be disorderly (permit patrons to cause public inconvenience, annoyance, alarm or risk). Examples of prohibited behavior include unreasonable noise, fighting, drug use, and overcrowding. (KRS 244.120; RCO 14-72)

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## SERVICE ISSUES RELATED TO HOURS OF OPERATION

“Last call” for by the drink establishments is 2:30 a.m. You must **NOT** provide (or allow anyone else to provide) alcoholic beverages to anyone outside of the hours for sales: By the drink sales are permitted Monday thru Saturday 6:00 a.m. - 2:30 a.m., Sunday 11:00 a.m. - 2:30 a.m. (these hours also apply to package beer.) There is a 30 minute “grace period” following the closing time to allow for consumption of previously purchased drinks. After the grace period it is unlawful to allow alcoholic beverages to be consumed on the premises – even by employees. If the establishment complies with the “lockdown”

provisions of the ordinance, it may otherwise remain open to the public. (RCO 3-21)

Establishments licensed for package distilled spirits and wine sales fall under the same hours for by the drink sales except on Sundays. The hours for package sales on Sundays are 1:00 p.m. – 9:00 p.m. (as stated above package beer sales are the same as by the drink hours)

You must **NOT** sell alcoholic beverages during the hours election polls are open for any Primary, General, or Local Option Election, and the establishment must “lockdown” its distilled spirits and wine in order to remain open to the public. (KRS 244.480 & 244.290) (RCO 3-21 (c))

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## OTHER SERVICE RELATED ISSUES

You **MUST** be at least 20 years of age to serve/sell alcoholic beverages by the drink or packaged distilled spirits/wine. (If you are at least 18 years of age you may sell packaged malt beverages if your supervisor is also present and is at least 20 years of age). (KRS 244.090 & 244.087)

You must **NOT** allow controlled substances (illegal drugs) to be sold or used on the premises. (KRS 243.500).

You must **NOT** knowingly receive stolen property upon the licensed ABC premises. (KRS 243.500 (8c))

You must **NOT** allow any distilled spirits or wine upon the premises in non-original containers, or a container of an unauthorized size. (KRS 244.310 (1))

You **MUST** comply with the provisions of the keg registration ordinance if you are selling any malt beverage kegs of 6 or more gallons. This includes making sure the keg is “tagged” and that the purchaser submits a keg registration form. (This does not apply to kegs tapped by retailer for sales by the drink). (RCO 3-27)

## GENERAL INFORMATION

The law pertaining to serving alcoholic beverages is generally found in KRS Chapters 243 and 244, and RCO Chapter 3.

If a premises does not hold an ABC license then persons shall not be allowed to sell, barter, loan, give away, or drink alcoholic beverages on the premises. There are different types of licenses which can dictate whether it is appropriate to serve the alcoholic beverage under the circumstances.

Certain exceptions apply to the general law in some limited instances. Terms are often broadly interpreted to include actions that you might not necessarily think are included. As a result, it is preferable that you act with caution in serving alcoholic beverages, and from the ABC enforcement perspective, it is better not to provide the beverage if you have a question as to the lawfulness of the action.

The ABC law is both criminally and administratively enforced. An unlawful act may result in criminal and/or administrative penalties.

Any server who violates the provisions of RCO or KRS related to alcoholic beverages can be fined, imprisoned, or both.

The Lexington Fayette Urban County Administrator and investigators may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in without first obtaining a search warrant.

This is only a reference to the most common violations of KRS or RCO pertaining to Alcoholic Beverage Control offenses in Fayette County. This is by no means a complete summary of the laws regarding trafficking in alcoholic beverages.

**For more information, call:  
Phone: 859-258-3796  
Fax: 859-425-2249**

**The ABC Office is located at:  
740 National Ave.**

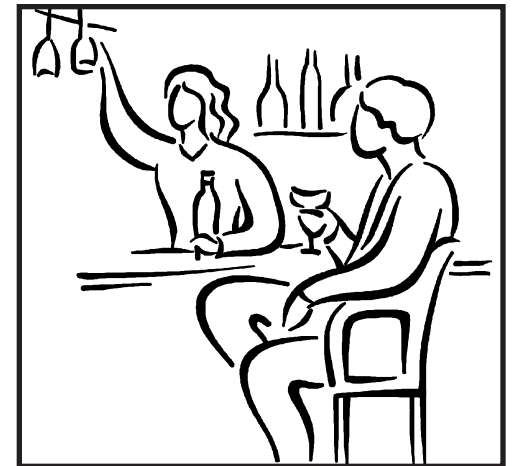
**[www.lexingtonky.gov/abc](http://www.lexingtonky.gov/abc)**

**Mailing address for correspondence:  
LFUCG  
Division of Police  
Alcoholic Beverage Control  
150 E. Main St.  
Lexington, KY 40507**

Lexington-Fayette Urban County  
Government



## THE RESPONSIBLE SERVER TRAINING GUIDE



Revised City Ordinances (RCO)  
Kentucky Revised Statutes (KRS)

This information has been developed for educational and training purposes only, and should be used to supplement existing Alcohol Beverage Server Training as provided in RCO 3-28 (e) (1). ABC licensees and/or their servers are ultimately responsible for complying with all Kentucky statutes ("KRS") and regulations, and all Lexington-Fayette Urban County Government ordinances ("RCO") related to alcohol, its sale and/or regulation, even if they are not specifically referred to in this document.