



August 8, 2024

Via email (Allyson.Taylor@ky.gov)

Hon. Allyson Taylor
Commissioner
Kentucky Department of Alcoholic Beverage Control
500 Mero Street, 2NE33
Frankfort, Kentucky 40601

RE: Advisory Opinion Request

Dear Commissioner Taylor,

Enclosed please find an Advisory Opinion Request on behalf of the Kentucky Distillers' Association. We appreciate your consideration and should you have any questions or concerns please don't hesitate to give me a call.

Sincerely,

A handwritten signature in blue ink, appearing to be "S. Amato", with a long horizontal stroke extending to the right.

STEPHEN G. AMATO

SGA
Enclosure

Advisory Opinion Request Form
November 2019



ALCOHOLIC BEVERAGE CONTROL
COMMONWEALTH OF KENTUCKY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
500 Mero Street 2NE33
Frankfort, KY 40601
502-564-4850 phone
502-564-1442 fax
<http://abc.ky.gov>

Date received

AOR NO.: _____

FOR ABC USE ONLY

ADVISORY OPINION REQUEST FORM

Attach additional pages as necessary and any documentation, research, or other evidence that you request the Department to consider.

Name of Requestor (individual or business entity): Kentucky Distillers' Association

Address: 100 Capital Avenue

City: Frankfort State: KY County: Frankfort

Zip Code: 40601 Phone Number: (502) 875-9351

Email: eric@kybourbon.com

The above individual or business entity requests an: Advisory opinion Reconsideration request

If this is a reconsideration request or comment, the application Advisory opinion number: _____

Question or issue to be addressed: To facilitate safe practices, may distilleries provide individuals serving as a designated driver for distillery patrons, an unopened package or packages of spirits not to exceed a total of 1.75 ounces to be consumed off premises in lieu of providing the designated driver with a complimentary sample that would otherwise be consumed on-premises.

Applicable statutes, regulations, ordinances, or other authority: KRS 243.0305; KRS 243.0307; KRS 244.050

Proposed response, comment, or basis for reconsideration request: Please see attached

To your knowledge, is the question for which you request an advisory opinion or reconsideration pending before, under investigation by, or recently decided by a court or government entity? Yes No

If yes, please identify the court or government agency, any case or proceeding number, and filing dates of the proceeding or investigation _____

Signature of Requestor or Requestor's Agent _____ Date _____

Signer's Name and title if requestor is a business entity _____ Date _____

The Kentucky Distillers' Association (KDA), in an effort to promote responsible alcohol use by those participating in distillery tours on Kentucky's Bourbon Trail, has developed an initiative to promote a designated driver program with its Members, by providing a small package of spirits to an identified Designated Driver for off-premises consumption following his or her service as a Designated Driver. The essential tenets of the program have been described as follows:

- "Designated Drivers" will self-identify themselves as such upon arrival at the Bourbon Trail Distillery. The Distillery will not permit any self-identified Designated Driver to participate if, in the estimation of the Distillery, the individual is under the age of 21 or appears to be intoxicated or otherwise impaired.
- Designated Drivers will be issued a special ticket, wristband, or other identifier that indicates they will not be served any alcohol by the drink during their visit to the Distillery. Tour guides, servers and bartenders will not serve alcohol by the drink to any Designated Driver.
- In consideration of the Designated Driver's participation and adherence to the rules, and in consideration of the denial by the Distillery of a complimentary sample under KRS 243.0307, a Distillery will offer an Designated Driver an unopened "sample size" package or packages of spirits not to exceed a total of 1.75 ounces at the conclusion of the tour for off-premises consumption.

Because sampling under KRS 243.0307 is an on-premises experience, the cost of the sample package or packages must be included in the tour price for the Designated Driver, which can be discounted, so long as the final cost does not violate the treating statute. The proposed program is consistent with applicable law.