



PUBLIC PROTECTION CABINET

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ORDER

Effective: May 18, 2020 at 5:00 p.m.

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a state of emergency in the Commonwealth of Kentucky due to the outbreak of the COVID-19 virus, a public health emergency. As part of continuing efforts to prevent the spread of COVID-19 virus through in-person contact, Governor Beshear's "Healthy at Home" Executive Order 2020-257 signed March 25, 2020, only permits life-sustaining businesses to remain open.

Consequently, many licensed establishments offering only on-premises alcoholic beverage consumption were required to close until further notice. Although Executive Order 2020-257(1)(k) permits restaurants to remain open, they may only sell food and alcoholic beverages by carry-out, delivery, and drive-thru services. (See March 16, 2020 Order of the Cabinet for Health and Family Services, Department of Public Health, and Public Protection Cabinet, Alcoholic Beverage Control, and the March 19, 2020 Order of the Department of Alcoholic Beverage Control ("Department")). Many licensed establishments that have been permitted to remain open through carry-out, delivery, and drive-thru services are nonetheless experiencing a significant decline in demand for alcoholic beverages due to the prohibition of on-premises consumption and overall less economic activity. As a result of these retail establishment closures and reduced demand, licensee revenues have diminished, making license renewal an economic hardship.

Previously, the Department ordered that alcoholic beverage licenses expiring on April 30, 2020, shall remain in effect until May 31, 2020. (See March 19, 2020 Order). However, the Department foresees that the protracted state of emergency will extend the economic hardship of licensees beyond May 31, 2020. In order to diminish this economic hardship on alcoholic beverage licensees, and pursuant to KRS 39A.180, the Department hereby orders the following supplemental rule:

1. Alcoholic beverage licenses expiring May 31, 2020, shall remain in effect and authorize alcoholic beverage sales until June 30, 2020. Licensees must submit license renewal applications to continue alcoholic beverage sales thereafter.
2. This Order replaces the rule promulgated in paragraph 5 of the March 19, 2020 Order of the Department, which extended licenses expiring on April 30, 2020 until May 31, 2020.


Kerry B. Harvey, Secretary
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