

Andy Beshear
Governor

Ray Perry
Deputy Secretary



Kerry B. Harvey
Secretary

Allyson Taylor
Commissioner

ABC ADVISORY OPINION 2021-001

March 29, 2021

Question: “Can Sazerac Company rectify malt beverages under its rectifier license?”

Requested by: Paul C. Harnice, Esq. *on behalf of* Sazerac Company

Syllabus: The request is moot, as KRS 241.010(49) was amended to explicitly permit rectifiers to rectify “malt.”

Statutes construed: KRS 241.010(49)

Legal authority: KRS 241.060

Opinion of the Department of Alcoholic Beverage Control

On February 4, 2021, the Requester, Paul C. Harnice, Esq., on behalf of Sazerac Company (“Sazerac”) submitted a written request for an advisory opinion pursuant to 804 KAR 6:020 asking that the Department of Alcoholic Beverage Control (hereinafter the “Department”) determine that Sazerac is permitted to rectify malt beverages under its rectifier license. He provided that KRS 241.010(49) defines a rectifier as any person who “rectifies, purifies, or refines distilled spirits or wine by any process other than as provided for on distillery premises.”

During the 2021 legislative session, KRS 241.010(49) was amended, in relevant part, to define a rectifier as any person who “rectifies, purifies, or refines distilled spirits, *malt*, or wine by any process other than as provided for on a distillery premises.” 2021 Ky. Acts Ch. 13 (HB 415). This legislation was signed into law on March 12, 2021, and was immediately effective.

It is the opinion of the Department of Alcoholic Beverage Control that this amendment moots the instant request, as the law now explicitly allows the rectification of malt beverages under KRS 241.010(49).

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