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Frequently Asked Questions

Many questions have come up about the Governor's Closure Order and the Cabinet's Order related to alcohol sales with food delivery and carryout. This document outlines those questions and provides guidance from the agency.

1. Does the order allow for sale of alcohol through both delivery and carryout? **Yes. The order allows the licensee to provide alcohol in its unopened and sealed original container through home delivery, curbside service, or carryout.**
2. Are bars and restaurants able to utilize services for delivery such as Uber Eats, Grub Hub, Door Dash, etc.? **Yes.**
3. What is a "closed and sealed original container"? **This means the original unopened packaging of the beverage; exactly what you could buy off a package retailer's shelf.**
4. Can we buy tamper resistant bottles, put margaritas in them, and then seal them? **No. that would not be an alcoholic beverage in its unopened and sealed original packaging.**
5. Can we purchase sealable containers, fill them with a cocktail, seal them and sell them that way? **No. Only alcohol in its unopened and sealed original container may be sold for off-premises consumption.**
6. Would putting margarita in a tamper evident container count as original container? It is sealed and will not be open until delivered. **No. Only alcohol in its unopened and sealed original container may be sold for off-premises consumption.**
7. Does this order apply to bars? **If the bar sells food, then yes. The order requires that the home delivery, curbside service, or carryout of the alcohol be only allowed with the sale of food.**
8. Does the Governor's order closing bars and restaurants to on-premises consumption apply to private clubs? **Yes. All on-premises consumption is prohibited.**
9. Can a private club with an NQ3 retail drink license sell alcoholic beverages for off-premises consumption? **A private club can only allow members to enter the premises and must exclude the general public. For this reason, a private club holding an NQ3 license may only sell alcoholic beverages to club members for off-premises consumption through carry-out, curbside service, drive-thru, or delivery." A private club cannot sell alcoholic beverages to the general public.**
10. Can a golf course licensee serve beverages to golfers for on-site consumption? **No. All on-site consumption is prohibited.**
11. Can a country club that has a restaurant and liquor license also sell alcohol and food by carryout, curbside service or home delivery under this order? **Yes.**
12. Do microbreweries, package retailers or others who have been allowed to deliver to consumers now have to deliver food in order to continue those deliveries? **No. Businesses previously licensed to deliver alcohol are not precluded from continuing to do so.**

13. Are tastings and samplings at distilleries permitted? **No. All on-site consumption is prohibited.**
14. Can a venue buy food and alcohol from a restaurant or caterer and then deliver or provide for carry- out under this order? **No.**
15. Can a caterer who is licensed to sell by the drink sell food and alcohol by carryout or delivery under this order? **Yes.**
16. If a customer is waiting on a carryout order, can the restaurant serve the patron a beer or other alcoholic beverage while they wait? **No. All on-premises consumption is prohibited.**
17. How much alcohol is considered incidental to the purchase of a meal? **A serving of alcoholic beverages that a person would normally order when eating a meal at a restaurant. Since a person would not order a 1.75L bottle of distilled spirits with a meal, it is not proper to sell such a bottle for off-premises consumption. The amount delivered or carried-out must be reasonable. For example, a couple pizzas and a case of beer, would be reasonable. A couple pizzas and a case of wine, would not.**
18. Is a sell by the drink liquor license different from a Caterer's license or a Sunday retail drink license? Can establishments with those types of licenses sell alcohol under the new Order to sell packaged liquor?" **There are several different types of "drink" licenses that permit alcoholic beverage sales for consumption on the licensed premises (QD, NQ1, NQ2, NQ3, NQ4, LR, and more). A caterer's license is a different type of license but it also authorizes retail drink sales. Licensed caterers can sell alcoholic beverages under the Order. A Sunday drink license is a supplemental license and only authorizes drink sales on Sunday. If the holder of a drink license also holds a Sunday drink license, the holder can sell alcoholic beverages under the Order on Sunday at times permitted by local ordinance.**
19. With everything going on with the restaurants, can we sell unopened bottles of wine with food purchases? **Yes.**
20. If we were to sell a bottle of wine to a customer, and the customer did not finish it while waiting for their meal, would the law still be the same? As in, we would cork the wine, put it in a bag, staple the bag shut with a receipt on the outside of the bag. **This question presumes on-site consumption, which is no longer permitted. However, the licensee may sell an unopened bottle of wine with a meal by home delivery, curbside service or carryout.**
21. Are businesses permitted to sell growlers of beer? **Beer growlers are permitted under 804 KAR 11:040 but such sales require a NQ retail malt beverage package license. Nothing in the Order changes the law related to growlers.**
22. Can a hotel provide alcohol to a guest for in-room consumption? **Yes.**
23. If a business is temporarily closing due to COVID-19, are they required to notify the Department of such closure and suspend their license? **No. Businesses are not required to suspend their license or notify the Department of closure or reopening due to COVID-19.**
24. Are businesses permitted to make or bottle hand sanitizer? **The Kentucky Distillers' Association (KDA) is providing guidance about distilleries producing hand-sanitizer. The KDA contact person is Colleen Thomas, Director of Member and Public Affairs. Her email is colleen@kybourbon.com.**