

Andy Beshear
Governor




Kerry B. Harvey
Secretary

Allyson C. Taylor
Commissioner

Kentucky Department of Alcoholic Beverage Control
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MEMORANDUM

To: ABC Division of Enforcement

From: David B. Wilkerson, Director
ABC, Division of Enforcement 

Date: March 17, 2020

Subject: Enforcement of Governor Beshear's Executive Order 2020-215

The following serves as the protocol for enforcing Executive Order 2020-215 issued on March 6, 2020 and subsequent order, dated March 16, by Governor Andy Beshear. The Cabinet for Health and Family Services, Department of Public Health and the Public Protection Cabinet created directives based upon Governor Beshear's Executive Order (see attached memo 'Order' dated March 16, 2020). These directives restrict (#1.) **onsite consumption of food and beverages to only carry-out, delivery and drive-thru services** and (#3.) **liquor, beer and wine sales in the Commonwealth are restricted to carry-out, delivery and drive-thru services only, to the extent permitted by law with no onsite consumption allowed.** The Order is effective through **March 30, 2020.**

Supervisors have been directed to ensure that a minimum of 850 establishments statewide that fit the aforementioned criteria are checked on a daily basis. The number of establishments checked should be communicated through the chain of command on a daily basis. To that end, you are hereby directed to check, on a daily basis, as many licensed premises as possible in your respective assigned areas to ensure compliance with the aforementioned orders. If you find a licensee who is not in compliance the following actions *shall* be taken:

- Investigators shall be accompanied by another ABC investigator, if one is available. Additionally, the investigator shall contact a local or state law enforcement agency and request an officer accompany them; and
- Investigators shall utilize all issued equipment such as protective vests and less-lethal tools during this time along with your normal duty carry weapon; and

- Investigators shall readily identify themselves by producing their agency credentials upon any contact with a licensee who is contacted due to non-compliance with the Order. Badges should also be prominently displayed, and
- Investigators shall issue a uniform citation charging the person most responsible for the licensed premise with KRS 39A.990, Failure to Comply Executive Order 2020-215, which is a Class A misdemeanor; and
- Investigators shall create an administrative case for Legal review charging the licensee with KRS 244.120, Disorderly Premises, and route through their chain of command for review; and
- Investigators shall immediately notify their chain of command of any enforcement taken during this time; and
- Any media inquiries shall be directed to the Public Protection Cabinet Office of Communications and Public Outreach at 502-564-5525, and
- Investigators shall contact their chain of command immediately regarding any instance wherein a licensee ignores the directives set forth in the Order issued by Governor Beshear.

Contact with the licensed premises shall be made in-person while ensuring that proper safeguards regarding the COVID-19 virus can be adhered to such as maintaining a distance of six feet from other people. Masks will be distributed for use as each investigator deems necessary. All agency acquired hand sanitizer has been distributed. Investigators are encouraged to utilize any personally owned hand sanitizer that may be available to them. Frequent hand washing practices are encouraged in keeping with CDC guidance. Thank you for your continued work during these extraordinary times.