

1 AN ACT relating to security requirements at retail establishments licensed to sell  
2 alcohol for on-premises consumption.

3 WHEREAS, it is the intent of the General Assembly to ensure the physical safety of  
4 all patrons of retail businesses licensed to sell on-premises consumption of alcoholic  
5 beverages; and

6 WHEREAS, the General Assembly recognizes the important role bouncers play in  
7 maintaining the peace on the premises of these businesses, while also recognizing that  
8 bouncers are placed in a position of authority over patrons on the premises; and

9 WHEREAS, patrons are entitled to their personal physical safety when on the  
10 premises of these businesses, including in all their interactions with that business's  
11 bouncer; and

12 WHEREAS, it is the duty of these businesses to implement responsible hiring  
13 practices when filling a bouncer position; and

14 WHEREAS, it is in the interest and safety of all patrons that individuals employed  
15 as bouncers receive training on topics intrinsic to safe conflict de-escalation; and

16 WHEREAS, it is the duty of the bouncer to use effective interpersonal  
17 communication skills when interacting with patrons and employ safe conflict de-  
18 escalation techniques when necessary; and

19 WHEREAS, it is the responsibility of the Commonwealth to regulate bouncer  
20 conduct by developing and implementing a standardized bouncer application, a bouncer  
21 training and certification program, and a bouncer incident report log;

22 NOW, THEREFORE,

23 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

24 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO  
25 READ AS FOLLOWS:

26 ***As used in Sections 1 to 6 of this Act:***

27 ***(1) "Accrual date" means the calendar date the board first documents the violations***

1 described in Section 6 of this Act;

2 (2) "Bouncer" means a person employed by a business for the sole purpose of  
3 safeguarding the business premises and screening individuals entering the  
4 premises for legal drinking age status, but whose responsibilities do not include  
5 serving customers on the business's premises or overseeing the business  
6 operations;

7 (3) "Business" means a business licensed to sell alcoholic beverages for on-premises  
8 consumption that is:

9 (a) Primarily and customarily that of a bar that employs a bouncer;

10 (b) Quota retail drink license holder; and

11 (c) Not a:

12 1. Brewery;

13 2. Microbrewery;

14 3. Small farm winery; or

15 4. Distillery holding a Class A or Class B license;

16 (4) "Business's agent" means an employee of the business whose duties are not  
17 those of the bouncer;

18 (5) "Certificate" or "certification" means the certificate issued to a bouncer upon  
19 completion of the bouncer training program and passage of the subsequent  
20 examination;

21 (6) "Criminal history" means an individual's convictions for a qualifying offense  
22 under KRS 243.100 maintained by the Justice and Public Safety Cabinet;

23 (7) "Employer" means a person, business, corporation, partnership, or other private  
24 entity using an off-duty law enforcement officer as a bouncer;

25 (8) "Law enforcement officer" means a member of a lawfully organized police unit  
26 or police force of a county, city, or metropolitan government who is responsible  
27 for the detection of crime and the enforcement of the general criminal laws of the

1 state, as well as sheriffs, sworn deputy sheriffs, campus police officers, law  
 2 enforcement support personnel, public airport authority security officers, other  
 3 public peace officers responsible for law enforcement, state troopers, and special  
 4 local peace officers licensed pursuant to KRS 61.360; and

5 (9) "Training program" means the bouncer portion of the Server Training in  
 6 Alcohol Regulations (STAR) Program administered by the Department of  
 7 Alcoholic Beverage Control.

8 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO  
 9 READ AS FOLLOWS:

10 A person shall obtain a certificate for the bouncer portion of the Server Training in  
 11 Alcohol Regulations (STAR) Program administered by the Department of Alcoholic  
 12 Beverage Control before obtaining employment as a bouncer.

13 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO  
 14 READ AS FOLLOWS:

15 (1) The Department of Alcoholic Beverage Control shall:

16 (a) Expand the Server Training in Alcohol Regulations (STAR) Program to  
 17 include a separate training program for individuals seeking bouncer  
 18 certification; and

19 (b) Prepare and disseminate information to advise businesses of the bouncer  
 20 application requirements and the bouncer training program developed  
 21 under this section.

22 (2) (a) The department shall develop the curriculum for the training program,  
 23 which shall include the following core components:

24 1. Interpersonal communication techniques;

25 2. De-escalation techniques to effectively and safely interact with all  
 26 individuals, including those that are under the influence of alcohol or  
 27 an illegal substance;

- 1           3. Physical maneuvers that involve minimum application of physical  
2           force and pose a low risk of bodily harm to another individual;  
3           4. Emotional regulation techniques;  
4           5. Personal mental health evaluation techniques;  
5           6. Interpersonal communication techniques with individuals suffering  
6           from behavioral and mental health disorders; and  
7           7. First aid.  
8           (b) The training program shall also include a separate curriculum for law  
9           enforcement officers to teach the differences between enforcement authority  
10           when working as an agent of a municipality, jurisdiction, or the  
11           Commonwealth or a subdivision thereof and authority when working as a  
12           bouncer for a private employer.  
13           (c) The department shall develop the examination standards for the training  
14           program and shall require each bouncer program participant to pass an  
15           examination prior to awarding him or her a bouncer certificate or certifying  
16           that his or her certificate is active and in good standing.  
17           (d) The department shall annually audit the training program to verify the  
18           training materials are up to date and the instructors are using the best  
19           practices for the industry.  
20           (3) (a) To implement the bouncer training program in accordance with subsection  
21           (2) of this section, the department may contract with a school or trade  
22           association whose members are businesses, but shall:  
23           1. Provide the curriculum and training materials to the trade  
24           association;  
25           2. Provide a special training for the trainers to ensure consistency; and  
26           3. Audit the training program on an annual basis for compliance with  
27           the department's standards.

- 1       **(b) The school or trade association providing bouncer training shall:**
- 2               **1. Certify to the department the eligibility of individuals to receive their**
- 3               **bouncer certification after an individual successfully attends the**
- 4               **bouncer training program and passes the examination required by the**
- 5               **department; and**
- 6               **2. Be liable to the department for recommending individuals for bouncer**
- 7               **certification any individual who has not met the proper requirements.**
- 8       **(4) The bouncer certification shall:**
- 9               **(a) Follow the bouncer upon termination of employment with the business to**
- 10              **his or her subsequent place of employment.**
- 11              **(b) Expire after three (3) years from the issue date; and**
- 12              **(c) Be reissued to an individual who retakes and successfully completes the**
- 13              **bouncer training program and examination.**
- 14       **(5) An individual shall not act as a bouncer for a business without an active bouncer**
- 15       **certification in good standing.**
- 16       **(6) The department shall develop and maintain a website that:**
- 17              **(a) Provides a searchable registry of individuals with an active bouncer**
- 18              **certification in good standing in the bouncer incident report maintained**
- 19              **under Section 4 of this Act; and**
- 20              **(b) Is accessible in real time by individuals and businesses attempting to verify**
- 21              **a bouncer certification status.**
- 22       **(7) (a) When an individual applies for initial or reissued bouncer certification,**
- 23              **the department may ask the individual about his or her criminal history and**
- 24              **cross reference the applicant in the bouncer incident report log to determine**
- 25              **if he or she is in good standing.**
- 26              **(b) The department shall make an official determination of an individual's**
- 27              **eligibility for bouncer certification within seven (7) business days or issue**

1           notice to the individual as to why the department has not yet approved or  
2           denied the bouncer certification. The department shall take no more than  
3           fifteen (15) days to approve or deny an application for bouncer certification.

4           (c) Fees paid to the department as part of an application for certification shall  
5           promptly be refunded to the applicant whose application for certification is  
6           denied.

7           (8) The department shall promulgate and make publicly available administrative  
8           regulations to implement this section and may establish fees in the administrative  
9           regulations.

10          ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO  
11          READ AS FOLLOWS:

12          (1) The Department of Alcoholic Beverage Control shall collect and act as a  
13          repository for complaints of bouncer misconduct and shall maintain a bouncer  
14          incident report log.

15          (2) Entries into the bouncer incident report log shall document reports of bouncer  
16          misconduct in which the bouncer knowingly causes serious physical injury to a  
17          patron on the premises of the business.

18          (3) (a) Entries into the bouncer incident report log shall include the following  
19          information for each incident:

20                  1. The name of the:

21                          a. Business; and

22                          b. Bouncer or bouncers involved;

23                  2. The date the incident occurred; and

24                  3. The nature and description of the incident; and

25          (b) The department shall internally update the bouncer incident report log with  
26          the following information if follow-up information regarding a logged  
27          incident is submitted by the business:

- 1           1. Any legal action brought against the business or bouncer by an  
2           injured patron relating to the incident; and
- 3           2. The outcome of the incident, including any discipline or penalty  
4           received by a bouncer, when made available.
- 5   (4) The department may investigate a bouncer after the bouncer is named in a  
6   complaint made to the bouncer incident report log in accordance with the  
7   department's enforcement division.
- 8   (5) The department shall promulgate and make publicly available administrative  
9   regulations to implement this section, including:
- 10   (a) Appropriate format, storage, and maintenance of the bouncer incident  
11   report log to ensure the log is accessible to businesses in real time;
- 12   (b) A real time verification process for an individual or business using the  
13   department's website registry to cross reference a name against the bouncer  
14   incident report log;
- 15   (c) A destruction process of any bouncer incident report log entry ten (10) years  
16   after the original entry date;
- 17   (d) A process for a bouncer to dispute the complaint against him or her; and
- 18   (e) A process for the department to investigate a complaint against a bouncer  
19   activities and determined whether the bouncer should remain in good  
20   standing and if certification is still appropriate.
- 21   (6) The department shall issue notice to a bouncer if he or she is the subject of a  
22   complaint made to the bouncer incident report log. The department shall  
23   investigate the report of bouncer misconduct and make a determination as to  
24   whether it should remain in the bouncer incident report log under the bouncer's  
25   name. The department shall issue notice of its final decision to the bouncer and  
26   the bouncer's current employer.
- 27   (7) If in the course of investigation, the department determines that a business is

1 employing as a bouncer an individual who has not received bouncer certification  
2 under Section 3 of this Act, the department may issue a notice of violation to the  
3 business and determine whether the suspension or revocation of the business's  
4 license is warranted under subsection (2) of Section 6 of this Act.

5 (8) Nothing in Section 1 to 6 of this Act shall be construed to require a business to  
6 pay for a bouncer's certification.

7 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO  
8 READ AS FOLLOWS:

9 (1) A business hiring a bouncer shall incorporate the following information into its  
10 regular hiring practices:

11 (a) Optional disclosure by an applicant of his or her criminal history;

12 (b) A description of any previous workplace incidents involving the applicant  
13 while employed as a bouncer and relating to the serious physical injury of a  
14 patron during the applicant's performance of bouncer duties;

15 (c) A request for proof that the applicant's bouncer certification is in good  
16 standing; and

17 (d) Disclosure of whether the bouncer has ever been the subject of a complaint  
18 to the bouncer incident report log.

19 (2) If a bouncer engages in behavior described in subsection (2) of Section 4 of this  
20 Act, a business or business's agent shall:

21 (a) File a report with the department within seven (7) calendar days of the  
22 incident; and

23 (b) If the business retains the bouncer as an employee, require the bouncer to  
24 complete the bouncer training program under Section 3 of this Act again  
25 before continuing duties as a bouncer for the business.

26 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 244 IS CREATED TO  
27 READ AS FOLLOWS:



- 1 (1) A licensee shall not:
- 2 (a) Permit a person to perform bouncer duties on the premises without an
- 3 active bouncer certificate issued under Section 3 of this Act in good
- 4 standing; and
- 5 (b) Fail to report incidents of bouncer misconduct to the department pursuant
- 6 to subsection (2) of Section 5 of this Act.
- 7 (2) Upon finding a violation of subsection (1) of this section, the board shall:
- 8 (a) Assess a penalty of not less than five hundred dollars (\$500) against the
- 9 licensee if it is the licensee's first violation of this section;
- 10 (b) Assess a penalty of not less than one thousand dollars (\$1,000) against the
- 11 licensee if it is the licensee's second violation of this section or the licensee
- 12 fails to correct the first violation within one (1) calendar year of the accrual
- 13 date;
- 14 (c) Suspend the licensee's license if it is the third violation of this section or if
- 15 the licensee fails to correct the first or second violation within two (2)
- 16 calendar years of the accrual date; or
- 17 (d) Revoke the licensee's license if it is the fourth violation of this section or the
- 18 licensee fails to correct any prior violation within three (3) years of the
- 19 accrual date.
- 20 (3) A violation shall remain on the licensee's record for no more than three (3)
- 21 calendar years from the accrual date.
- 22 (4) A licensee shall be entitled to a hearing under KRS 243.550 before the board
- 23 issues a determination to suspend or revoke the licensee's license pursuant to
- 24 subsection (2) of this section and Section 8 of this Act.

25 ➔Section 7. KRS 244.120 is amended to read as follows:

- 26 (1) A retail licensee, a patron, or the licensee's agents, servants, or employees shall not
- 27 cause, suffer, or permit the licensed premises to be disorderly.

- 1 (2) Acts which constitute disorderly premises consist of causing, suffering, or  
 2 permitting patrons, the licensee, or the licensee's servants, agents, or employees to  
 3 cause public inconvenience, annoyance, or alarm, or create a risk through:
- 4 (a) Engaging in fighting or in violent, tumultuous, or threatening behavior;  
 5 (b) Making unreasonable noise;  
 6 (c) Refusing to obey an official order to disperse issued to maintain public safety  
 7 in dangerous proximity to a fire, hazard, or other emergency;  
 8 (d) Creating a hazardous or physically offensive condition by any act that serves  
 9 no legitimate purpose;  
 10 (e) Creating a public nuisance;  
 11 (f) Engaging in criminal activity that would constitute a capital offense, felony,  
 12 or misdemeanor;~~[-or]~~  
 13 (g) Failing to maintain the minimum health, fire, safety, or sanitary standards  
 14 established by the state or a local government, or by state administrative  
 15 regulations, for the licensed premises;or
- 16 **(h) Allowing a bouncer to consume alcohol during working hours or permitting**  
 17 **a bouncer to work under the influence of alcohol or an illegal substance.**  
 18 **For the purposes of this paragraph, "bouncer" has the same meaning as in**  
 19 **Section 1 of this Act.**

20 ➔Section 8. KRS 243.500 is amended to read as follows:

21 Any license may be revoked or suspended for the following causes:

- 22 (1) Conviction of the licensee or the licensee's agent, servant, or employee for selling  
 23 any illegal alcoholic beverages on the licensed premises;~~[-]~~
- 24 (2) Making any false, material statements in an application or renewal application for a  
 25 license or supplemental license;~~[-]~~
- 26 (3) Conviction of the licensee or any of the licensee's agents, servants, or employees of:  
 27 (a) Two (2) violations of the terms and provisions of KRS Chapters 241 to 244,

1 or any act regulating the manufacture, sale, and transportation of alcoholic  
2 beverages within two (2) consecutive years;

3 (b) Two (2) misdemeanors directly or indirectly attributable to the use of  
4 alcoholic beverages within two (2) consecutive years; or

5 (c) Any felony;~~[-]~~

6 (4) Failure or default of a licensee to pay an excise tax or any part of the tax or any  
7 penalties imposed by or under the provisions of any statutes, ordinances, or Acts of  
8 Congress relative to taxation, or for a violation of any related administrative  
9 regulations promulgated by the Department of Revenue;~~[-]~~

10 (5) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600,  
11 and 243.610, or granted under any Act of Congress relative to the regulation of the  
12 manufacture, sale, and transportation of alcoholic beverages;~~[-]~~

13 (6) Setting up, conducting, operating, or keeping, on the licensed premises, any  
14 gambling game, device, machine, contrivance, lottery, gift enterprise, handbook, or  
15 facility for betting or transmitting bets on horse races; or permitting to be set up,  
16 conducted, operated, kept, or engaged in, on the licensed premises, any gambling  
17 game, device, machine, contrivance, lottery, gift enterprise, handbook, or facility.

18 This subsection shall not apply to:

19 (a) The sale of lottery tickets sold under the provisions of KRS Chapter 154A;

20 (b) The operation of a pari-mutuel system for betting, where authorized by law;

21 (c) The conduct of charitable gaming by a charitable organization licensed or  
22 permitted under KRS Chapter 238; or

23 (d) Special temporary raffles of alcoholic beverages under KRS 243.036;~~[-]~~

24 (7) Conviction of the licensee, the licensee's agents, servants, or employees for:

25 (a) The trafficking or possession upon the licensed premises of controlled or  
26 illegal substances described in KRS Chapter 218A, including synthetic drugs;

27 (b) Knowingly permitting the trafficking or possession by patrons upon the

1 licensed premises of controlled or illegal substances described in KRS  
2 Chapter 218A, including synthetic drugs; or

3 (c) Knowingly receiving stolen property upon the licensed premises;~~;~~

4 (8) Failure to comply with the terms of a final order of the board; **or**

5 **(9) Failure to correct violations pursuant to Section 6 of this Act.**

6 ➔Section 9. This Act shall be known as Christopher's Law.

7 ➔Section 10. This Act takes effect January 1, 2024.