### ABLE Occupational Licenses

<table>
<thead>
<tr>
<th>Application License Name</th>
<th>Agency Name</th>
<th>Required Education Level</th>
<th>Required Experience/Qualifications</th>
<th>Statutory Citation</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturer</td>
<td>Alcoholic Bev Laws Enforcement- ABLE</td>
<td>None</td>
<td>Criminal history check.</td>
<td>37A § 2-136</td>
<td>$55.00</td>
</tr>
<tr>
<td>Employee</td>
<td>Alcoholic Bev Laws Enforcement- ABLE</td>
<td>None</td>
<td>Training Certification, Criminal history check.</td>
<td>37A § 2-121</td>
<td>$30.00</td>
</tr>
<tr>
<td>Retail</td>
<td>Alcoholic Bev Laws Enforcement- ABLE</td>
<td>None</td>
<td>Criminal history check.</td>
<td>37A § 2-141</td>
<td>$455/805/1155</td>
</tr>
</tbody>
</table>

**Fiscal Information:**

The fees for the three licenses attached go to General Revenue, with the exception of $5.00 from every employee license fee remaining with the ABLE. The $5.00 hold back is very new, and started July 2018. Goes towards Operations.

ABLE is a state appropriated agency that gave $8,101,561.67 to General Revenue for FY2018.

**Felony Convictions:**

HB 1030 passed in 2019 legislative session. It lifted restrictions on who can obtain an employee license. Less than a year ago, before State Question all felons were barred from obtaining an employee license. Beginning October 1, 2018 it went to a 5 year look back for convicted felons (excluding violent felonies). HB 1030 does away with all look back periods, but keeps the total bar on violent felonies in place. We will simply cease denying applicants with felony convictions so long as the conviction was non-violent.

**State Comparison:**

Every state requires a license to serve/sell alcohol.
Occupational Regulation Blueprint

License Details
What is the license? Employee license

What does the license cover? Allows an individual to sell/serve alcoholic beverages to the public

What Board regulates the license? ALCOE Commission

Compelling Public Interest
What is the compelling public interest (see Annex, item 1)? Public safety/health/public interest

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Yes

Least Restrictive Means
What means is used to protect the public interest? Licenses

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Continue only if Occupational Licensing was Used

Controlling Number of Market Participants on the Board
How many members are on the regulatory board?

How many of them are active market participants (see Annex, item 5)?

Is the board controlled by these active market participants (see Annex, item 6)?

Continue only if the Board is Controlled by Market Participants

Active Supervision of the Board
Is there active state supervision of the board (see Annex, item 7)?

If the answer to the above question is "No" then board’s conduct may violate the Sherman Act and the board’s actions are not protected by state immunity.
Occupational Regulation Blueprint

License Details
What is the license? Retail Spirit License (liquor store)

What does the license cover? Operate a liquor store

What Board regulates the license? ABC Commission

Compelling Public Interest
What is the compelling public interest (see Annex, item 1)? Public Safety

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Yes

Least Restrictive Means
What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is “No” then do not use that type of regulation to protect the public interest.

-----------------------------Continue only if Occupational Licensing was Used-----------------------------

Controlling Number of Market Participants on the Board
How many members are on the regulatory board?

How many of them are active market participants (see Annex, item 5)?

Is the board controlled by these active market participants (see Annex, item 6)?

-----------------------------Continue only if the Board is Controlled by Market Participants-----------------------------

Active Supervision of the Board
Is there active state supervision of the board (see Annex, item 7)?

If the answer to the above question is “No” then board’s conduct may violate the Sherman Act and the board’s actions are not protected by state immunity.
Occupational Regulation Blueprint

License Details
What is the license?  
Manufacturer Agent, Wholesale Agent, Licenses

What does the license cover?  
Allows individual to sell alcoholic beverages to either the wholesale or retail tier.

What Board regulates the license?  
KBLC Commission

Compelling Public Interest
What is the compelling public interest (see Annex, item 1)?  
Public Safety

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?  
Yes

Least Restrictive Means
What means is used to protect the public interest?  
License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)?  
Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Controlling Number of Market Participants on the Board
How many members are on the regulatory board?  
0

How many of them are active market participants (see Annex, item 5)?

Is the board controlled by these active market participants (see Annex, item 6)?

Active Supervision of the Board
Is there active state supervision of the board (see Annex, item 7)?

If the answer to the above question is "No" then board’s conduct may violate the Sherman Act and the board’s actions are not protected by state immunity.