

438.313 Distribution of cigarettes, tobacco products, or alternative nicotine products to persons under age 21 prohibited -- Distribution of alternative nicotine products, tobacco products, or vapor products to retailer with revoked license prohibited -- Penalty -- Issuance of uniform citation.

- (1) A wholesaler, retailer, or manufacturer of cigarettes, tobacco products, or alternative nicotine products shall not distribute cigarettes, tobacco products, or alternative nicotine products, including samples thereof, free of charge or otherwise, to any person under the age of twenty-one (21).
- (2) A distributor or wholesaler shall not distribute alternative nicotine products, tobacco products, or vapor products to any retailer whose license has been revoked.
- (3) Any person who distributes cigarettes, tobacco products, or alternative nicotine products, including samples thereof, free of charge or otherwise shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of twenty-one (21).
- (4) Any person who violates the provisions of this section shall be fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each offense. The fine shall be administered by the department using a civil enforcement procedure for persons eighteen (18) years of age or older.
- (5) All peace officers with general law enforcement authority and investigators of the department may issue a uniform citation, but may not make an arrest or take a child into custody, for a violation of this section.

Effective: January 1, 2026

History: Amended 2025 Ky. Acts ch. 78, sec. 13, effective January 1, 2026. -- Amended 2024 Ky. Acts ch. 111, sec. 10, effective January 1, 2025. -- Amended 2020 Ky. Acts ch. 35, sec. 4, effective March 26, 2020. -- Amended 2014 Ky. Acts ch. 111, sec. 4, effective April 10, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 1927, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 4, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 477, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 38, sec. 5, effective March 5, 1996. -- Repealed, reenacted, and amended as KRS 438.313, 1994 Ky. Acts ch. 480, sec. 10, effective July 15, 1994. -- Created 1992 Ky. Acts ch. 164, sec. 1.

Formerly codified as KRS 365.395.