

## CHAPTER 105

(HB 456)

AN ACT relating to tobacco.

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

SECTION 1. A NEW SECTION OF KRS CHAPTER 248 IS CREATED TO READ AS FOLLOWS:

***The Commissioner shall promulgate administrative regulations establishing the height and weight requirements of a basket of tobacco when placed on a warehouse floor for the purpose of sale. In establishing the requirements, the Commissioner shall consider traditional height and weight standards for baskets of tobacco, and shall consider experimental marketing standards that may be applied from time to time.***

Section 2. KRS 248.990 is amended to read as follows:

- (1) Any tobacco warehouseman, agent, manager, solicitor, corporation or organization that violates any of the provisions of KRS 248.320 to 248.340 or subsection (3) of KRS 248.350 shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), and, if a corporation, it shall forfeit all corporate rights and privileges.
- (2) Any person who violates any of the provisions of KRS 248.400 shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500).
- (3) Any person who violates any of the provisions of KRS 248.370, ~~or 248.390,~~ 248.440, or willfully violates ***an administrative*** regulation of the department, or who refuses to pay the fee provided for by KRS 248.290, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or imprisoned for not more than three (3) months, or both.
- (4) Any person who violates any of the provisions of KRS 248.410 or 248.420 shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).
- (5) Any person who fails or refuses to post notices in accordance with subsection (1) of KRS 248.430 shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each day of failure or refusal.
- (6) Any person who violates subsection (2) of KRS 248.430 shall be fined five hundred dollars (\$500) for each offense.
- (7) Any person who violates any of the provisions of subsection (1) of KRS 248.450 shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) for each offense.
- (8) Any person who violates any of the provisions of subsection (2) of KRS 248.450 shall be fined not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for each day of violation.
- (9) Any person who violates KRS 248.610 shall be fined not less than \$100 nor more than \$1,000, or imprisoned in the county jail for not more than one (1) year, or both.
- (10) Any person who violates any of the provisions of subsection (1) or subsection (2) of KRS 248.350 shall for each offense be fined not less than fifteen hundred dollars (\$1,500) nor

more than three thousand dollars (\$3,000), or be imprisoned for not less than three (3) months nor more than twelve (12) months, or both.

Section 3. The following KRS section is repealed:

248.390 Maximum height and weight of baskets of tobacco.

**Approved March 14, 2000**

