

**PUBLIC PROTECTION CABINET**  
**Department of Alcoholic Beverage Control**  
**(Emergency Amended at ARRS Committee)**

**804 KAR 13:030E. Causes for denial of tobacco, nicotine, or vapor product license.**

RELATES TO: KRS 438.3063, 438.3067

STATUTORY AUTHORITY: KRS 438.340, 438.3055

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.340 authorizes the department to promulgate administrative regulations as necessary to implement and carry out the provisions of KRS 438.305 to 438.350. KRS 438.3067 requires the commissioner to approve or deny every application for a tobacco, nicotine, or vapor product license and to notify the applicant of the reasons for the denial. This administrative regulation provides the reasons for which the commissioner shall or may deny an application for a tobacco, nicotine, or vapor product license.

Section 1. An application for a tobacco, nicotine, or vapor product license shall be denied if:

- (1) The applicant or the premises for which the tobacco, nicotine, or vapor product license is sought does not comply fully with all applicable statutes under KRS 438.305 ~~to~~~~and~~ 438.350, and with the administrative regulations promulgated under 804 KAR Chapter 13;
- (2) ~~[(The applicant has engaged in any activity for which revocation of a tobacco, nicotine, or vapor product license would be authorized;]~~
- ~~[(3)]~~ The applicant has *knowingly* made any false material statement in its application; or
- ~~(3)~~ ~~(4)~~ The applicant fails to pay the tobacco, nicotine, or vapor product license fee established in KRS 438.3063(4).

Section 2. An application for a tobacco, nicotine, or vapor product license may be denied for any reason that the commissioner, in the exercise of the commissioner's sound discretion, deems sufficient. Among those factors that the commissioner shall consider in the exercise of this discretion are:

- (1) Public sentiment in the area;
- (2) Number of licensed outlets in the area;
- (3) Potential for future growth;
- (4) Type of area involved; and
- (5) Financial potential of the area.

**Section 3. This administrative regulation was found deficient by the Administrative Regulation Review Subcommittee on February 9, 2026.**

(804 KAR 013:030. Impacted by 2026 legislation.)

FILED WITH LRC: February 9, 2026

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