

**438.308 Duties and responsibilities of manufacturers of vapor products.
(Effective January 1, 2025)**

- (1) A manufacturer of vapor products shall only sell authorized vapor products.
- (2) A manufacturer shall provide an applicable safe harbor certification to a wholesaler or retailer when selling a vapor product that has not been authorized by the FDA.
- (3) If the FDA or a court of competent jurisdiction takes final action that removes a vapor product from safe harbor certification or authorized to market status, the manufacturer shall provide notice of the final action to any wholesaler or retailer that has purchased the vapor product from the manufacturer within thirty (30) days of the final action being taken.
- (4) A manufacturer that provides false or misleading information in a safe harbor certification or other notice to retailers or wholesalers violates this section and shall be subject to a fine of:
 - (a) Twenty-five thousand dollars (\$25,000) for a first citation issued for a violation of this section;
 - (b) Fifty thousand dollars (\$50,000) for a second citation issued for a violation of this section; and
 - (c) Seventy-five thousand dollars (\$75,000) for a third or subsequent citation issued for a violation of this section.

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History: Created 2024 Ky. Acts ch. 111, sec. 4, effective January 1, 2025.