

438.312 Prohibition on retailers distributing authorized vapor products to any person under age 21 -- Affirmative defense -- Penalties. (Effective January 1, 2025)

- (1) A retailer shall not sell, give away, or distribute an authorized vapor product or tobacco product to any person under twenty-one (21) years of age. A retailer who sells a tobacco product to a person under twenty-one (21) years of age shall be subject to the penalties listed in KRS 438.310(4).
- (2)
 - (a) A retailer shall have an affirmative defense to a violation of subsection (1) of this section if the sale was induced by the use of false, fraudulent, or altered identification papers or other documents.
 - (b) Evidence to support an affirmative defense under this subsection may be introduced either in mitigation of the violation or as a defense to the violation itself.
- (3) Any retailer that violates subsection (1) of this section regarding authorized vapor products shall be:
 - (a) Subject to a fine of:
 1. Not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first citation issued for a violation of this section;
 2. One thousand dollars (\$1,000) for the second citation issued for a violation of this section; and
 3. Five thousand dollars (\$5,000) for a third or subsequent citation issued for a violation of this section that is not subject to paragraph (b) of this subsection; and
 - (b) For a fourth or subsequent citation issued for a violation of this section within a two (2) year period, placed in the tobacco noncompliance database and reporting system and lose the ability to lawfully sell vapor products for one (1) year.
- (4) Any retailer with unpaid fines under this section that are more than sixty (60) days overdue shall lose the ability to lawfully sell vapor products until the fines are paid.

Effective: January 1, 2025

History: Created 2024 Ky. Acts ch. 111, sec. 6, effective January 1, 2025.