

438.310 Sale of tobacco products or alternative nicotine products to persons under age 21 prohibited -- Penalties.

- (1) No person shall sell or cause to be sold any tobacco product or alternative nicotine product at retail to any person under the age of twenty-one (21), or solicit any person under the age of twenty-one (21) to purchase any tobacco product or alternative nicotine product at retail.
- (2) Any person who sells tobacco products or alternative nicotine products at retail shall cause to be posted in a conspicuous place in his or her establishment a notice stating that it is illegal to sell tobacco products, alternative nicotine products, or vapor products to persons under age twenty-one (21).
- (3) Any person selling tobacco products, alternative nicotine products, or vapor products shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective buyer or recipient is under the age of twenty-one (21).
- (4) A person who violates subsection (1) or (2) of this section shall be subject to a:
 - (a) One hundred dollar (\$100) fine to the retail sales clerk for a first citation and a notice to the owner of a retail establishment which details the violation;
 - (b) One hundred dollar (\$100) fine to the retail sales clerk and an additional five hundred dollar (\$500) fine to the owner of a retail establishment for a second citation;
 - (c) One hundred dollar (\$100) fine to the retail sales clerk and an additional one thousand dollar (\$1,000) fine to the owner of a retail establishment for a third citation; and
 - (d) Revocation of the tobacco, nicotine, or vapor product license upon a fourth citation. Revocation for any fourth and subsequent citation within a two (2) year period shall result in the inability to reapply for a license for two (2) years.
- (5) Each citation shall be specific to the premises of the retail establishment where the violation occurred.
- (6) The fine shall be imposed and collected by the department using a civil enforcement procedure.
- (7) A retailer shall be prohibited from renewing its license until all fines incurred under KRS 438.305 to 438.350 are paid.

Effective: June 27, 2025

History: Amended 2025 Ky. Acts ch. 78, sec. 11, effective June 27, 2025. -- Amended 2024 Ky. Acts ch. 111, sec. 9, effective January 1, 2025. -- Amended 2020 Ky. Acts ch. 35, sec. 2, effective March 26, 2020. -- Amended 2014 Ky. Acts ch. 111, sec. 2, effective April 10, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 1925, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 2, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 38, sec. 3, effective March 5, 1996. -- Amended 1994 Ky. Acts ch. 480, sec. 9, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 164, sec. 3, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 388, sec. 1, effective July 13, 1990.

Formerly codified as KRS 438.045.