

**438.3064 Contents of annual license application and renewal license form --
Material change -- Online publication of forms.**

- (1) The annual license application required in KRS 438.3063 shall contain only the following information, given under oath:
 - (a) The name, age, Social Security number, federal employer identification number, telephone number, email address, business address, and citizenship of each applicant;
 - (b) If the applicant is a partner, the name, age, Social Security number, business address, and citizenship of each partner and the name and address of the partnership;
 - (c) The name, age, Social Security number, business address, residence, and citizenship of each individual or partner interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, limited partnership company, limited liability company, or other business entity recognized by law, the name, age, Social Security number, and address of each principal owner, member, officer, and director of the applicant. The department may require the names of all owners and the ownership percentage held by each;
 - (d) The premises to be licensed, stating the street and number, if the premises has a street number, and a description that will reasonably indicate the location of the premises;
 - (e)
 1. Proof of occupancy, to include:
 - a. A copy of the lease or deed for the premises to be licensed, if not currently on file with the department under a license issued pursuant to KRS Chapter 243; or
 - b. Certification from a landlord or landowner stating that the property can be used for the purpose in which the application has been filed for the premise to be licensed.
 2. If a change of ownership requires a resubmission pursuant to KRS 438.3063, a copy of the revised lease or deed or certificate from a landlord or landowner for the premises to be licensed shall be included;
 - (f) Proof of registration with the Department of Revenue pursuant to KRS 139.390; and
 - (g)
 1. A statement that neither the applicant nor any other person referred to in this section has been convicted of:
 - a. Any misdemeanor directly or indirectly attributable to the sale of illicit substances or illegal tobacco, nicotine, or vapor products;
 - b. Any violation involving a controlled substance that is described in or classified pursuant to KRS Chapter 218A within the two (2) years immediately preceding the application;
 - c. Any felony within five (5) years from the later of the date of parole or the date of conviction; or
 - d. Knowingly providing false information to the department

preceding the application.

2. A statement that the applicant or any other person referred to in this section has not had any license that has been issued under KRS Chapter 438 revoked for cause within two (2) years prior to the date of the application.
- (2) (a) The renewal license form required in KRS 438.3063 shall only provide for information in the event of a material change.
 - (b) As used in this subsection, "material change" means:
 1. A change of:
 - a. Ownership;
 - b. Lease or deed status; or
 - c. Business address; and
 2. Any civil or criminal violations.
 - (3) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the department within ten (10) days after the change.
 - (4) In giving any notice or taking any action in reference to a license, the department may rely upon the information furnished in the application or in the supplemental statement connected with the application as accurate and truthful. The information required to be furnished in the application or supplemental statement shall be deemed material in any prosecution for perjury.
 - (5) The department shall not have the authority to establish any additional requirements for licensure or licensure renewal beyond those statutorily required.
 - (6) (a) Within thirty (30) days of April 10, 2026, the department shall publish and maintain on its website the required application, renewal form, and instructions for an annual tobacco, nicotine, or vapor product license.
 - (b) The application, renewal form, and instructions shall:
 1. Be public-facing;
 2. Be published outside of the department's licensure portal;
 3. Not require a person to log into an account for access; and
 4. Have a quick link for easy access on a main tab or section of the department's website.

Effective: April 10, 2026

History: Created 2026 Ky. Acts ch. 70, sec. 2, effective April 10, 2026.

Legislative Research Commission Note (4/10/2026). 2026 Ky. Acts ch. 70, sec. 18, provides that Sections 2 to 10 of that Act, including this statute, shall be retroactive to January 1, 2026.