

438.3063 Tobacco, nicotine, or vapor product license -- Application procedures -- Batch license -- Fees -- Renewal.

- (1) (a) 1. On or after July 1, 2026, each applicant shall apply for an initial tobacco, nicotine, or vapor product license on a form prescribed by the department in accordance with KRS 438.3064, accompanied with a nonrefundable application fee of fifty dollars (\$50).
2. The department shall have the form published to its website within thirty (30) days of April 10, 2026.
- (b) The application fee shall be applied to the licensing fee if the license is issued. If no license is issued, the licensing fee required in subsection (4) of this section shall be refunded to the applicant and the application fee shall be retained by the department.
- (2) A tobacco, nicotine, or vapor product license shall:
 - (a) Be accompanied with a licensure renewal form for an annual license and a licensing fee required in subsection (4) of this section;
 - (b) Remain in full force and effect for one (1) year from the date of issuance for an annual license and for thirty (30) days for a temporary license unless it is surrendered by the licensee, suspended, or revoked; and
 - (c) Be posted in a conspicuous place in the location of the business where alternative nicotine products, tobacco products, or authorized nicotine vapor products are sold.
- (3) (a) As used in this subsection, "batch license" means to apply for or renew:
 1. Multiple tobacco, nicotine, or vapor product licenses for multiple premises; or
 2. A tobacco, nicotine, or vapor product license, or multiple licenses for multiple premises, in conjunction with one (1) or more licenses authorized under KRS Chapter 243.
- (b) 1. A retailer with a license issued by the department and operating under KRS Chapter 243 may initiate the application process to obtain a tobacco, nicotine, or vapor product license on the date of its next alcohol license renewal or renew a tobacco, nicotine, or vapor product license on the date of its next alcohol license renewal.
2. An applicant seeking to obtain a tobacco, nicotine, or vapor product license or a licensee seeking to renew a license may batch license using a singular application or renewal form pursuant to paragraph (c) of this subsection.
3. A licensee may batch license:
 - a. On the date of its next alcohol licensure renewal pursuant to KRS Chapter 243; or
 - b. One (1) year from the date of issuance of its tobacco, nicotine, or vapor product license.
4. If an applicant or licensee chooses to batch license, the fee required in subsection (4) of this section shall be multiplied by the number of

premises to be licensed or premises to be renewed.

- (c) The department shall provide a singular application option and a singular renewal form option for businesses or retailers seeking to batch license.
- (d) A retailer or business seeking annual licensure may choose not to batch license and may apply for its tobacco, nicotine, or vapor product license individually on any date throughout the calendar year and renew its license one (1) year from the date of issuance.
- (4) (a) The fee for an annual tobacco, nicotine, or vapor product license shall be five hundred dollars (\$500) per year for each licensed premises and the fee shall be made payable to the State Treasury.
- (b) The fee for a thirty (30) day temporary tobacco, nicotine, or vapor product license shall be fifty dollars (\$50) for each event, and the fee shall be made payable to the State Treasurer.
- (c) All of the fees paid into the State Treasury for state licenses shall be credited to a revolving trust and agency account as provided in KRS 438.337 for the department.
- (5) (a) Prior to denial or notification of failure to renew, if the department identifies any error or omission in any application submitted for issuance or renewal of a tobacco, nicotine, or vapor product license:
 - 1. The department shall notify the applicant of the error within seven (7) business days of its discovery;
 - 2. The applicant shall be granted a grace period of thirty (30) days for correction; and
 - 3. The department shall review the correction within seven (7) business days of the submitted correction.
- (b) The department shall issue the license or permit within fourteen (14) business days of the date the application is complete.
- (6) The tobacco, nicotine, or vapor product license shall not be transferred from one (1) person to another or from one (1) premises to another premises.
- (7) (a) If a retailer has a change of ownership, the new owner shall provide written notice to the department of the change in ownership no later than fifteen (15) days prior to the transaction or sale closing, and the notice shall include:
 - 1. The initial licensing application established in subsection (1) of this section; and
 - 2. The licensing fee required in subsection (4) of this section.
- (b) The department shall issue the license within fourteen (14) business days of the date the notice and application is received.

Effective: April 10, 2026

History: Amended 2026 Ky. Acts ch. 3, sec. 4, effective March 13, 2026; and ch. 70, sec. 5, effective April 10, 2026. -- Created 2025 Ky. Acts ch. 78, sec. 5, effective January 1, 2026.

Legislative Research Commission Note (4/10/2026). This statute was amended by 2026 Ky. Acts chs. 3 and 70, which do not appear to be in conflict and have been codified

together.

Legislative Research Commission Note (4/10/2026). 2026 Ky. Acts ch. 3, sec. 13, and ch. 70, sec. 18, provide the amendments to this statute in those Acts shall be retroactive to January 1, 2026.

Legislative Research Commission Note (4/10/2026). 2026 Ky. Acts ch. 70, sec. 15, provides that:

"Notwithstanding any law to the contrary, including 2026 RS SB 145/EN:

(1) Within 60 days of the effective date of this Act [April 10,2026], any retailer selling tobacco, nicotine, or vapor products in Kentucky that does not hold a tobacco, nicotine, or vapor product license required by this Act shall remit the initial application form and the licensing fee required in Section 5 of this Act [this statute] to the department to obtain an initial license;

(2) If a retailer is approved, the department shall issue a license within 14 business days; and

(3) If a retailer is licensed pursuant to subsection (1) of this section, the retailer shall renew annually on the date of issuance unless the retailer elects to renew by batch license pursuant to Section 5 of this Act [this statute]."