

438.3067 License application approval and denial -- Revocation -- Appeals.

- (1) (a) Except as provided in KRS 438.3063(5) and (7), on or after July 1, 2026, the commissioner shall approve or deny every application for a tobacco, nicotine, or vapor product license within fourteen (14) business days.
- (b) If a retailer has submitted an application and the department has not issued a license or denial, or notified of failure to renew within fourteen (14) business days, a retailer shall not be subject to any penalties during or after the required fourteen (14) business days until the department has issued the license or denial, or notified of failure to renew to the retailer.
- (2) A license shall only be denied if the:
 - (a) 1. Application required in KRS 438.3063 is incomplete; and
 - 2. Applicant has been given the opportunity to correct an application as required in KRS 438.3063;
 - (b) Licensing fee required in KRS 438.3063 is not remitted with the application;
 - (c) Applicant or business owners are not twenty-one (21) years of age or older;
 - (d) Applicant or business owners have a tax delinquency due to the Department of Revenue, unless the applicant or business owners have an approved payment agreement with the Department of Revenue; or
 - (e) Applicant has committed any act for which a license would be revoked pursuant to KRS 438.3069.
- (3) If the application is denied, the:
 - (a) License shall not be issued;
 - (b) Applicant shall be notified of the commissioner's denial, which shall include the reason for the denial; and
 - (c) Applicant may, within thirty (30) days, appeal the denial and request an administrative hearing on the matter in accordance with KRS Chapter 13B.
- (4) (a) If the commissioner revokes a license pursuant to KRS 438.3069, the commissioner shall:
 - 1. Notify the applicant within ten (10) days of the decision to revoke the license; and
 - 2. Upon the request of a denied licensee, commence a hearing on the license revocation in accordance with KRS Chapter 13B.
- (b) Revocation of a license subject to KRS 438.305 to 438.350, as it relates to the regulation of alternative nicotine products, tobacco products, and vapor products, for any reason shall result in the inability of a retailer to reapply for a license for two (2) years.
- (c) 1. A final order of the commissioner shall be appealable to the Franklin Circuit Court.
- 2. The licensee may, within thirty (30) days, appeal the final order and request an administrative hearing on the matter in accordance with KRS Chapter 13B.

Effective: April 10, 2026

History: Amended 2026 Ky. Acts ch. 3, sec. 6, effective March 13, 2026; and ch. 70, sec. 6, effective April 10, 2026. -- Created 2025 Ky. Acts ch. 78, sec. 7, 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 that 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. 17, provides that: "Sections 1 to 12 of this Act shall not modify, invalidate, or otherwise negatively affect a tobacco, nicotine, or vapor product license that:

- (1) Was issued by the department prior to July 1, 2026; and
- (2) Remains in good standing with the department on July 1, 2026."