

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

- (1) A person shall not 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) On or after July 1, 2026, 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 as they relate to the regulation of alternative nicotine products, tobacco products, and vapor products are paid.

Effective: April 10, 2026

History: Amended 2026 Ky. Acts ch. 3, sec. 8, effective March 13, 2026; and ch. 70, sec. 8, effective April 10, 2026. -- 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.

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. 14, provides that, notwithstanding any laws to the contrary, that Act shall not be construed to delay enforcement of this statute.