

438.330 Random inspections of retail establishment selling or distributing tobacco products, alternative nicotine products, or vapor products -- Preparation of federally required annual report.

- (1) Except as provided in KRS 438.337, the Department of Alcoholic Beverage Control and the Department of Agriculture shall carry out annually conducted random, unannounced inspections of retail establishments where tobacco products, alternative nicotine products, or vapor products are sold or distributed for the purpose of enforcing the provisions of KRS 438.305 to 438.350 as they relate to the regulation of alternative nicotine products, tobacco products, and vapor products. The inspections shall be conducted to the extent necessary to assure that the Commonwealth remains in compliance with Pub. L. No. 102-321 and applicable federal regulations. The department and the Department of Agriculture shall also ensure that targeted inspections are conducted at those retail establishments where, and at those times when, persons under the age of twenty-one (21) years are most likely to purchase tobacco products, alternative nicotine products, or vapor products. Persons under the age of twenty-one (21) years may be used to test compliance with the provisions of KRS 438.305 to 438.350 as they relate to the regulation of alternative nicotine products, tobacco products, and vapor products only if the testing is conducted under the direct supervision of the department, sheriff, or chief of police, or their employees, and written parental consent has been obtained. The department shall prepare annually, for submission by the Governor to the secretary of the United States Department of Health and Human Services, the report required by Section 1926 of Subpart 1 of Part B of Title XIX of the Federal Public Health Service Act.
- (2) The department shall develop and implement the survey sampling methodologies to carry out the inspections as described in this section.

Effective: April 10, 2026

History: Amended 2026 Ky. Acts ch. 70, sec. 10, effective April 10, 2026. -- Amended 2025 Ky. Acts ch. 78, sec. 17, effective June 27, 2025. -- Amended 2020 Ky. Acts ch. 35, sec. 7, effective March 26, 2020. -- Amended 2014 Ky. Acts ch. 111, sec. 7, effective April 10, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 1932, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 10, effective July 14, 2000. -- Created 1994 Ky. Acts ch. 480, sec. 6, effective July 15, 1994.

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.

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