



Sections 4, 5, and 6 of the measure consist of conforming amendments to prohibit the sale or distribution of tobacco products to someone under the age of 21, rather than under the age of 18 per current law. The penalties (fines) remain the same.

Section 7 amends KRS 438.330 to require ABC and the Department of Agriculture to carry out random inspections of retail establishments where tobacco products are sold to determine whether those products are being sold to persons under the age of 21, rather than under the age of 18 per current law.

Section 8 amends KRS 438.337 with a conforming amendment which maintains the authority of ABC to carry out the enforcement provisions of KRS 438.305 to 438.340, except in the case of a juvenile who shall be under the jurisdiction of the juvenile session of the District Court.

Section 9 amends KRS 438.350 with a conforming amendment which permits a law enforcement officer to confiscate a tobacco product in the possession of someone under the age of 21, rather than under the age of 18 per current law.

Section 10 sets an effective date of August 1, 2016.

### **Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**The fiscal impact of HB 299 on local law enforcement is expected to be a minimal increase in costs.**

The Kentucky Department of Alcoholic Beverage Control (ABC) has the lead role in investigating and enforcing state laws that prohibit the distribution or sale of tobacco products to youth. ABC has 30 investigators assigned to one or more counties throughout Kentucky. Every month an investigator is required to conduct at least ten checks within his or her territory. ABC is assisted by a federal Substance Abuse and Mental Health Services Administration (SAMHSA) grant through the Synar program (named after former Congressman Mike Synar), which supports annual unannounced federal inspections of tobacco outlets. Once per year ABC receives information from the Synar program pertaining to suspicious retailers at specific locations.

If HB 299 is enacted, some training on its provisions might be needed by local law enforcement, but this is expected to be at a minimal cost. (The state Department of Criminal Justice Training annually sends out updates on crimes and punishments to local law enforcement agencies.)

Most local law enforcement will continue the current practice of supporting ABC in the enforcement of the prohibitions against youth smoking. Local peace officers who become aware of retailers selling tobacco products to youth usually contact ABC and file a complaint against the retailer rather than issue a uniform citation to the retailer or the underage purchaser. Passage of HB 299 will lead to more violations of the law due to

expanding the scope of prohibited youth tobacco consumption. This may create a minimal cost for local law enforcement as officers enforce the law. On the other hand, a retailer selling tobacco products to someone under the age of 21 will most likely be selling to someone under the age of 18. An officer will conduct the same investigation under HB 299 as under current law and probably file a complaint with ABC rather than citing a retailer or a person under the age of 21.

**Data Source(s):** Department of Alcoholic Beverage Control, Teen Tobacco Enforcement Program; Kentucky Association of Chiefs of Police

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