

subsequent violation. The fine shall be administered by ABC using a civil enforcement procedure.

ABC is authorized to promulgate administrative regulations necessary to implement and carry out the section.

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

The fiscal impact of HB 322 on local law enforcement is expected to be a nil to minimal increase in costs.

The measure provides that ABC, with the assistance of the public, enforces the measure. There is no reference to local law enforcement issuing citations. HB 322 establishes fines that are administered by ABC using a civil enforcement procedure.

ABC and the Kentucky Association of Chiefs of Police concur that local law enforcement has a very small role in implementing HB 322. ABC will take the lead. In the vast majority of cases, if a police officer notices that a retailer is violating HB 322, that officer will notify ABC so that it may send undercover personnel into the retail establishment to determine the nature and extent of the violation or violations.

It should be noted that the federal Tobacco Control Act of 2009 has similar provisions to those found in HB 322. The Food and Drug Administration enforces the Tobacco Control Act. Therefore, according to ABC, HB 322 compliments the federal statute.

Data Source(s): Kentucky Department of Alcoholic Beverage Control; Kentucky Association of Chiefs of Police

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