

HOUSE OF REPRESENTATIVES

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2020 REGULAR SESSION
Unofficial Document

Amend printed copy of **HB 69/HCS 1**

On page 1, delete lines 18 through 20;

On page 1, line 21, delete "(d)" and insert in lieu thereof, "(b)", and after "strength" delete "in excess of four percent (4%)" and insert in lieu thereof, "of five point one percent (5.1%) or greater";

On page 1, line 22, delete "(e)" and insert in lieu thereof, "(c)", and after "chemicals" insert, ", including but not limited to vitamin E acetate,";

On page 2, line 21, after "or" remove the bracket and strikethrough to the end of line 22;

On page 2, line 23 , after "(b)", delete the remainder of that line through line 1 on page 3;

On page 3, line 2, delete "3.";

On page 3, line 2, after "products" insert "i";

On page 3, line 5, extend the bracket and strikethrough to the end of the line after "and";

On page 3, line 20, after "Act" insert the following: "; and

(11) "Wholesaler/supplier" means any person who produces, manufactures, imports, or otherwise supplies enhanced vapor products to consumers, retailers, or other wholesaler/suppliers"

On page 3, delete line 23, through page 4 line 17 and insert in lieu thereof the following:

(1) A retailer, wholesaler/supplier, or shipper of an enhanced vapor product shall register with the Department of Alcoholic Beverage Control.

Amendment No. _____

Rep. Rep. Jerry T. Miller

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for Filing

Unofficial Document

- (a) The registration fee for a retailer of enhanced vapor products shall be two hundred dollars (\$200) per location annually.
- (b) The registration fee for a wholesaler/supplier of enhanced vapor products shall be five hundred dollars (\$500) per location annually.
- (c) The registration fee for a shipper of enhanced vapor products shall be two hundred dollars (\$200).
- (2) Registration fees paid into the State Treasury under this section shall be credited to a revolving trust and agency account, as provided in KRS 45.253, for the Department of Alcoholic Beverage Control.
- (a) These moneys shall be used solely for the administration and enforcement of KRS 438.305 to 438.340; and
- (b) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in paragraph (a) of this subsection.
- (3) A registered retailer or wholesaler/supplier of an enhanced vapor product shall not sell the enhanced vapor product online, through catalog sales, or by phone unless:
- (a) The retailer or wholesaler/supplier ships or delivers the enhanced vapor product using a registered enhanced vapor product shipper;
- (b) All deliveries and shipments shall be made to an individual and shall not be left unattended;
- (c) The individual receiving an enhanced vapor product shall sign for the delivery and provide photographic identification; and
- (d) The age of an individual receiving an enhanced vapor product shall be verified by a real-time third-party source age verification system.
- (4) It shall be unlawful for any person in the business of selling enhanced vapor products in

another state or country who does not hold a registration as an enhanced vapor product shipper to deliver or ship, or cause to be delivered or shipped, any enhanced vapor product directly to a Kentucky resident who does not who does not hold a valid enhanced vapor product registration as a wholesaler/supplier or retailer.

(5) A registered enhanced vapor product shipper shall:

(a) Register with the Department of Alcoholic Beverage Control as an enhanced vapor product shipper;

(b) Pay the registration fee established in subsection (1) of this section; and

(c) Demonstrate, to the satisfaction of the department, a real-time third-party source age verification system."

On page 4, line 18, delete "*(3)*" and insert in lieu thereof "*(6)*";

On page 5, delete lines 9 through 11;

On page 5, line 12, delete "*(5)*" and insert in lieu thereof "*(7)*" and after the first "*A*" insert "*second or subsequent*";

On page 5, line 14, after "*registration*" insert "*for a period of one (1) year*".