

Unofficial Document

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2024 REGULAR SESSION

Amend printed copy of **SB 344**

On page 1, line 5, delete "and 2" and insert "to 3" in lieu thereof; and

On page 1, line 7, delete "has the same meaning as in KRS 138.130;" and insert in lieu thereof, "means any person within this state in possession of vapor products for resale within this state;"; and

On page 1, delete line 9 and insert in lieu thereof:

"(d) "Manufacturer" means any person who manufactures or produces vapor products within or without this state;"; and

On page 1, insert after line 9 the following:

"(e) "Person" means the same as in KRS 139.010;"; and

On page 1, line 10 delete "(e)" and insert "(f)" in lieu thereof; and

On page 1, line 11, delete "Timely-filed" and insert "Timely filed" in lieu thereof; and

On page 1, line 16, delete "(f)" and insert "(g)" in lieu thereof; and

On page 1, line 17, delete "and"; and

On page 1, insert after line 17 the following:

"(h) "Sub-jobber" means any person who purchases vapor products from a resident wholesaler, nonresident wholesaler, or unclassified acquirer licensed under KRS 138.195 and makes them available to retailers for resale. No person shall make vapor products available to retailers for resale unless the person certifies and

Amendment No. SFA 1

Rep. Sen. Brandon J. Storm

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

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establishes to the satisfaction of the department that firm arrangements have been made to regularly supply at least five (5) retail locations with vapor products for resale in the regular course of business; and"; and

On page 1, line 18, delete "g" and insert "i" in lieu thereof; and

On page 1, line 18, delete "importer" and insert "sub-jobber"

On page 1, line 18, insert "online retailer," before the "or"; and

On page 1, line 22, insert "subsection (7) of" between "in" and "this"; and

On page 2, line 24, after "thousand" insert "dollars"; and

On page 3, line 25, delete "licensed"; and

On page 5, line 13, insert "a" after "through"; and

On page 5, line 15, insert "," after "2025"; and

On page 6, line 8, add "manufacturer," before "wholesaler"; and

On page 6, line 10, delete "five hundred dollars (\$500) per day" and insert in lieu thereof "two hundred fifty dollars (\$250)"; and

On page 6, delete lines 14 through 27 in their entirety and insert in lieu thereof:

2. For a second violation of this section at the same location within a twelve (12) month period, the civil penalty shall be five hundred dollars (\$500) per product.

3. For a third violation of this section at the same location within a twelve (12) month period, the civil penalty shall be one thousand dollars (\$1,000) per product.

4. For a fourth or subsequent violation of this section at the same location within a twelve (12) month period, the civil penalty shall be one thousand five hundred dollars (\$1,500) per product.

(b) An affirmative defense for violations of this section by a retailer shall be that the

vapor products were purchased from a wholesaler, sub-jobber, or other distributor licensed under KRS Chapter 138;; and

On page 7, delete line 1 in its entirety; and

On page 7, line 2, delete "**1.**"; and

On page 7, line 4, delete ":" and insert "**; and**" in lieu thereof; and

On page 7, line 5, delete "**2.**" and insert "**(d)**" in lieu thereof; and

On page 7, line 16, insert after the period, "**The documents may be reviewed at the corporate office or a central location of a person having more than one retail location.**" and

On page 7, line 25, insert "**summary of**" between "**the**" and "**results**"; and

On page 7, line 25, after the period, insert the following; and

"Unless used by the department in a prosecution or enforcement action, the information collected by the department pursuant to this subsection shall be considered confidential information for the purposes of KRS 61.870 to 61.884."; and

On page 9, lines 22 through 23, delete "**1 through**" and insert "**1. to**" in lieu thereof.