

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2025 REGULAR SESSION
Unofficial Document

Amend printed copy of **SB 100/SCS 1**

Starting on page 15, line 3, to page 16, line 18, delete Section 14 in its entirety and insert in lieu thereof:

"➔Section 14. KRS 438.316 is amended to read as follows:

- (1) A retailer shall not sell an unauthorized vapor product to any person.
- (2) Except as provided in subsection (3) of this section, any retailer selling vapor products shall obtain from the manufacturer an applicable safe harbor certification and shall maintain a copy of the certification at the physical location where the vapor product is being sold.
- (3) ~~{A retailer is not required to obtain a safe harbor certification for vapor products if those products were purchased from a Kentucky licensed resident wholesaler.~~
- (4) ~~{Any retailer that violates this section shall be subject to a:~~

(a) One hundred dollar (\$100) fine to the retail sales clerk and a notice sent to the owner of a retailer that details the violation for a first citation issued for a violation of this section;

(b) Five hundred dollar (\$500) fine to the retailer and an additional one hundred dollar (\$100) fine to the retail sales clerk for a second citation issued for a violation of this section;

(c) One thousand dollar (\$1,000) fine to the retailer and an additional one hundred

Amendment No. SFA 2

Rep. Sen. Jimmy Higdon

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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dollar (\$100) fine to the retail sales clerk for a third citation issued for a violation of this section; and

(d) Revocation of the tobacco, nicotine, or vapor products license upon a fourth citation, which shall result in the inability to reapply for a tobacco, nicotine, or vapor products license for two (2) years

~~(a) Subject to a fine of:~~

- ~~1. One thousand dollars (\$1,000) for the first citation issued for a violation of this section; and~~
- ~~2. Five thousand dollars (\$5,000) for a second or subsequent citation issued for a violation of this section; and~~

~~(b) Placed in the tobacco noncompliance database and reporting system and lose the ability to lawfully sell vapor products for one (1) year for any third or subsequent citation issued for a violation within a two (2) year period.~~

~~(4)(5)~~ A retailer in the tobacco noncompliance database and reporting system that sells vapor products that are unauthorized vapor products shall be subject to a fine of ten thousand dollars (\$10,000) per unlawful transaction.

~~(5)(6)~~ Any retailer with unpaid fines under this section that are more than sixty (60) days overdue shall lose the ability to lawfully sell vapor products until the fines are paid.

~~(6)(7)~~ A retailer shall have an affirmative defense to a violation of selling an unauthorized vapor product if the retailer can establish:

- ~~(a) Proof of an official material change in the status of a vapor product under review by the FDA within forty-five (45) days of the issuance of the citation; or~~
- ~~(b) A safe harbor certification for the vapor product exists onsite at the retail location at the time the citation was issued."~~