

1 AN ACT relating to the regulation of nicotine products and declaring an
2 emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. (1) It is the intent of the General Assembly that 2024 Ky. Acts ch.
5 111, House Bill 11 of the 2024 Regular Session, shall not be implemented or enforced
6 unless and until the Supreme Court of the United States has rendered a decision in *Food*
7 *and Drug Administration v. Wages and White Lion Investments, L.L.C., dba Triton*
8 *Distribution, et al.*, No. 23-1038, ruling that the United States Court of Appeals for the
9 Fifth Circuit erred in setting aside the Food and Drug Administration's denial orders as
10 arbitrary and capricious.

11 (2) The provisions of KRS 241.060, 438.305, 438.306, 438.307, 438.308,
12 438.309, 438.310, 438.312, 438.313, 438.316, and 438.331 that were enacted in 2024 Ky.
13 Acts ch. 111 are hereby suspended unless and until the Supreme Court of the United
14 States has rendered a decision in *Food and Drug Administration v. Wages and White*
15 *Lion Investments, L.L.C., dba Triton Distribution, et al.*, No. 23-1038, ruling that the
16 United States Court of Appeals for the Fifth Circuit erred in setting aside the Food and
17 Drug Administration's denial orders as arbitrary and capricious.

18 ➔Section 2. This Act is retroactive to January 1, 2025.

19 ➔Section 3. Whereas a ruling from the Supreme Court of the United States on the
20 status of the Food and Drug Administration's marketing denial orders is necessary before
21 the Commonwealth imposes stricter regulations on individuals and businesses in this
22 state, an emergency is declared to exist, and this Act takes effect upon its passage and
23 approval by the Governor or upon its otherwise becoming a law.