

1 AN ACT relating to nicotine products.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 438.305 TO 438.350 IS CREATED  
4 TO READ AS FOLLOWS:

5 (1) (a) A retailer shall notify a consumer placing an order for any tobacco  
6 products, alternative nicotine products, or vapor products that the shipment  
7 or delivery shall not be completed unless the recipient of the shipment or  
8 delivery provides a valid identification document at the time of the shipment  
9 or delivery verifying that the recipient is at least twenty-one (21) years of  
10 age.

11 (b) All tobacco product, alternative nicotine product, or vapor product  
12 containers shipped or delivered to a consumer shall be conspicuously  
13 labeled with the words: "CONTAINS TOBACCO PRODUCTS:  
14 SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR  
15 DELIVERY", "CONTAINS ALTERNATIVE NICOTINE PRODUCTS:  
16 SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR  
17 DELIVERY", or "CONTAINS VAPOR PRODUCTS: SIGNATURE OF  
18 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY", as  
19 appropriate for each shipment or delivery.

20 (2) At the time of delivery, the recipient of the shipment or delivery shall present to  
21 the individual delivering the package a valid identification document. Prior to  
22 transferring possession of the package, the individual delivering the package  
23 shall visually inspect the document and verify the identity of the recipient and, by  
24 visual examination or by using age verification technology, that the recipient is at  
25 least twenty-one (21) years of age.

26 (3) Before transferring possession of the package, the individual delivering the  
27 package shall obtain the signature of the recipient of the shipment or delivery.

1       The individual who receives and signs for the tobacco products, alternative  
2       nicotine products, or vapor products is not required to be the consumer who  
3       purchased the tobacco products, alternative nicotine products, or vapor products.

4       (4) A retailer or common or private carrier that fails to comply with this section  
5       shall:

6       (a) For the first offense, be guilty of a violation punishable by a fine of five  
7       hundred dollars (\$500); and

8       (b) For each subsequent offense, be guilty of a violation punishable by a fine of  
9       one thousand dollars (\$1,000).

10      (5) A consumer who intentionally causes an unlawful shipment or delivery under  
11      this section shall:

12      (a) For the first offense, be guilty of a violation punishable by a fine of two  
13      hundred fifty dollars (\$250); and

14      (b) For each subsequent offense, be guilty of a violation punishable by a fine of  
15      five hundred dollars (\$500).

16      The retailer and the common or private carrier shall not be liable for a violation  
17      of this subsection.

18      (6) If a common or private carrier is unable to complete delivery under this section,  
19      the tobacco products, alternative nicotine products, or vapor products shall be  
20      returned to the retailer.