

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.*