

1 AN ACT relating to hemp-derived vapor products.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section:

9 (b) "Retailer" means any person who sells hemp-derived vapor products to a
10 consumer for any purpose other than resale; and

11 (c) 1. "Vapor product" means any noncombustible product that employs a
12 heating element, battery, power source, electronic circuit, or other
13 electronic, chemical, or mechanical means, regardless of shape or size
14 and including the component parts and accessories thereto, that can
15 be used to deliver vaporized hemp or other substances to users
16 inhaling from the device.

17 2. "Vapor product" includes but is not limited to vape pens, disposable
18 vapes, pod systems, pod mods, or similar products or devices and every
19 variation thereof, regardless of whether marketed as such, and any
20 vapor cartridge or other container of a liquid solution or other
21 material that is intended to be used with or in vape pens, disposable
22 vapes, pod systems, pod mods, or other similar products or devices.

23 (2) (a) A retailer shall notify a consumer placing an order for any hemp-derived
24 vapor product that the shipment or delivery shall not be completed unless
25 the recipient of the shipment or delivery provides a valid identification
26 document at the time of the shipment or delivery verifying that the recipient
27 is at least twenty-one (21) years of age.

1 **(b) All hemp-derived vapor product containers shipped or delivered to a**

2 **consumer shall be conspicuously labeled with the words: "CONTAINS**

3 **HEMP-DERIVED VAPOR PRODUCTS: SIGNATURE OF PERSON AGE**

4 **21 OR OLDER REQUIRED FOR DELIVERY".**

5 **(3) At the time of delivery, the recipient of the shipment or delivery shall present to**

6 **the individual delivering the package a valid identification document. Prior to**

7 **transferring possession of the package, the individual delivering the package**

8 **shall visually inspect the document and verify the identity of the recipient and, by**

9 **visual examination or by using age verification technology, that the recipient is at**

10 **least twenty-one (21) years of age.**

11 **(4) Before transferring possession of the package, the individual delivering the**

12 **package shall obtain the signature of the recipient of the shipment or delivery.**

13 **The individual who receives and signs for the hemp-derived vapor product is not**

14 **required to be the consumer who purchased the hemp-derived vapor product.**

15 **(5) A retailer or common or private carrier that fails to comply with this section**

16 **shall:**

17 **(a) For the first offense, be guilty of a violation punishable by a fine of one**

18 **thousand five hundred dollars (\$1,500); and**

19 **(b) For each subsequent offense, be guilty of a violation punishable by a fine of**

20 **three thousand dollars (\$3,000).**

21 **(6) (a) A consumer who intentionally causes an unlawful shipment or delivery**

22 **under this section shall:**

23 **1. For the first offense, be guilty of a violation punishable by a fine of**

24 **seven hundred fifty dollars (\$750); and**

25 **2. For each subsequent offense, be guilty of a violation punishable by a**

26 **fine of one thousand five hundred dollars (\$1,500).**

27 **(b) The retailer and the common or private carrier shall not be liable for a**

1 *violation of this subsection.*

2 *(7) If a common or private carrier is unable to complete delivery under this section,*
3 *the hemp-derived vapor products shall be returned to the retailer.*