

through vending machines to a person under age 21 is also prohibited. Citations may be issued by local law enforcement or ABC for a distribution or sale as prohibited by the bill.

Local peace officers *may* issue citations, but this function is *typically* that of ABC. Wholesalers, retailers, manufacturers, or businesses may also be subject to a fine for distributing/selling the products to a person under 21. The bill has an emergency clause and would take effect immediately upon signature by the Governor.

The fiscal impact of SB 56 GA is indeterminate to minimal. Local law enforcement would be authorized to issue additional citations to businesses or certain persons who distribute or sell a tobacco, alternative nicotine, or vapor product to a person under age 21. Some training on the provisions would be necessary, but this is expected to be a minimal cost. Enforcement would likely be the same as with current law; when local peace officers learn of violators, they typically contact the Department of Alcoholic Beverage Control.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The fiscal impact of SB 56 GA is unchanged from that of SB 56 SCS 1.

Part II pertains to SB 56 GA. SB 56 GA keeps most of the provisions of SB 56 SCS 1 but makes the following changes:

- restores prior language that specifically prohibited the arrest of a person under age 21 who purchases a tobacco, alternative nicotine, or vapor product;
- prohibits issuance of a citation to a person under age 21 who has purchased a tobacco, alternative nicotine, or vapor product, and permits confiscation of the product from a person under age 21 who has purchased the product (KRS 438.311);
- restores existing language prohibiting the commitment of a child for a tobacco offense under KRS 438.313 and 438.315;
- deletes KRS 630.120, thus restoring the specific prohibition against commitment of a child as a result of tobacco offense;
- removes the delayed effective date; and
- declares an emergency.

SB 56 HCS 1 kept most of the provisions of SB 56 as introduced but made the following changes:

- amended certain definitions to conform to federal law;
- removed the fine of \$50 to \$500 for any person age 18-21 who purchased tobacco, alternative nicotine, or vapor products; and
- removed jurisdiction related to juvenile tobacco offenses from juvenile court, thus keeping it under the auspices of the Department of Alcoholic Beverage Control.

Data Source(s): LRC Staff; KRS Chapter 438

Preparer: Robert Jenkins **Reviewer:** KHC **Date:** 1/27/20