## Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

**Part I: Measure Information** 

Bill Request #: 967			
Bill #: SB 56 GA			
<b>Document ID #:</b> _3340			
<b>Bill Subject/Title:</b> AN ACT relating to the sale of tobacco, alternative nicotine, and vapor products and declaring an emergency.			
Sponsor: Sen. Ralph Alvarado			
Unit of Government: X City X County X Urban-County Unified Local			
X Charter County X Consolidated Local X Government			
Office(s) Impacted: Law enforcement			
Requirement: X Mandatory Optional			
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing			

## Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 56 GA raises the minimum age to purchase tobacco, alternative nicotine, and vapor products to 21 and prohibits anyone from selling a tobacco, alternative nicotine, or vapor product to a person under 21. The definitions of "tobacco product," and "vapor product" are amended to conform to federal law. A person under the age of 21 who purchases or attempts to purchase the products would be subject to having the tobacco, alternative nicotine, or vapor product confiscated by law enforcement or the Department of Alcoholic Beverage Control (ABC), but the individual could not be issued a citation, placed under arrest, or taken into custody. There is no fine associated with the confiscation. All status offense designations for the sale, purchase, or distribution of tobacco, alternative nicotine, and vapor products by juveniles are removed. No business may distribute a tobacco, alternative nicotine, or vapor product to a person under 21, and a person who distributes the products must ask for proof of age from a prospective buyer if there is reason to believe the purchaser is under 21. The sale of a tobacco, alternative nicotine, or vapor product

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.

<b>Data Source(s):</b>	LRC Staff; KRS	Chapter 438
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