Local Government Mandate Statement Kentucky Legislative Research Commission 2024 Regular Session

Part I: Measure Information

Bill Request #: 925								
Bill #: HB 142								
Document ID #: <u>2177</u>								
Bill Title: AN ACT relating to products that contain nicotine.								
Sponsor: Representative Mark Allen Hart								
Unit of Government: X City X County X Urban-County Unified Local Image: Second Secon								
X Charter County X Consolidated Local X Government								
Office(s) Impacted: Law Enforcement, Jails								
Requirement: X Mandatory Optional								
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing								

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

HB 142 amends KRS 438.310 to increase fines for people that sell nicotine products to any person under the age of 21. Fines are increased from between \$100 and \$500 to between \$1,500 and \$2,000 for a first violation. For subsequent violations, fines are increased from between \$500 and \$1,000 to between \$2,500 and \$3,000. Peace officers with general law enforcement authority, as well as employees of the Department of Alcoholic Beverage Control are given the ability to issue uniform citations for violations of this statute.

A violation of Section 3, subsection 1, an individual between the age of 18 to 21 that purchases, accepts receipt, or attempts to purchase or accept receipt of a tobacco product or to provided fraudulent identification for the attempt to purchase or receive any tobacco product shall be guilty of a violation for the first offense and a Class A misdemeanor for each subsequent offense.

Section 6 of the bill states that an individual between the ages of 18 to 21 are prohibited from possessing or using any tobacco product, alternative nicotine products, or vapor products. An individual in violation of these provisions shall be guilty of a violation for the first offense and a Class A misdemeanor for each subsequent offense.

The fiscal impact of HB 142 is likely to be minimal. Increased revenues from fine increases are retained by the Department of Alcoholic Beverage Control and so would not impact local entities. The bill gives local law enforcement officials the authority to issue uniform citations to persons selling nicotine products to persons under 21 years of age, so they would likely need to be made aware of these additional responsibilities. However, it is not expected that this would necessitate additional expenditures and could be integrated into current training programs rather easily.

It is unknown how many will be charged and convicted of subsequent offenses for violating sections 3 and 6; however, a person convicted of a Class A misdemeanor may be incarcerated for up to twelve months. Misdemeanants are housed in one of Kentucky's 74 full-service jails or three life safety jails. While the expense of housing inmates varies by jail, this estimated impact will be based on an average cost to incarcerate of \$44.97 per day. While the majority of misdemeanor defendants are granted bail, those who do not will also cost local jails an average cost to incarcerate of \$44.97 per day.

Data Source(s):	LRC Staff:	Kentucky	y Departme	ent of Correction	ns

Preparer:	Ryan Brown (LG)	Reviewer:	KHC	Date:	1/23/24
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