

**227.770 Definitions for KRS 227.770 to 227.784.**

As used in KRS 227.770 to 227.784:

- (1) "Cigarette" means any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and whether or not the tobacco or substance is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco;
- (2) "Manufacturer" means:
  - (a) Any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that the manufacturer intends to be sold in this state, including cigarettes intended to be sold in the United States through an importer;
  - (b) The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or
  - (c) Any entity that becomes a successor of an entity described in paragraphs (a) and (b) of this subsection;
- (3) "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing. The program shall ensure that the testing repeatability remains within the required repeatability values stated in KRS 227.772(1)(f) for all test trials used to certify cigarettes in accordance with KRS 227.770 to 227.784;
- (4) "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall ninety-five percent (95%) of the time;
- (5) "Retailer" means any person who sells to a consumer or to any person for any purpose other than resale;
- (6) "Sale" means:
  - (a) Any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement therefor; and
  - (b) The giving of cigarettes as samples, prizes, or gifts, and the exchanging of cigarettes for any consideration other than money;
- (7) "Sell" means an act of selling, or an offer or agreement to sell; and
- (8) "Wholesale dealer" means:
  - (a) Any person who sells cigarettes or tobacco products to retailers or other persons for purposes of resale; and
  - (b) Any person who acts as a "nonresident wholesaler," "resident wholesaler," or "unclassified acquirer" as defined in KRS 138.130, and who is authorized by the Department of Revenue to purchase and affix tax stamps on packages of cigarettes.

**Effective:** April 1, 2008

**History:** Created 2007 Ky. Acts ch. 70, sec. 1, effective April 1, 2008.

**Legislative Research Commission Note** (4/1/2008). 2007 Ky. Acts ch. 70, sec. 1, subsec. (8) defines "wholesale dealer," in part, as "any person who acts as a 'nonresident wholesale,' 'resident wholesaler,' or 'unclassified acquirer' as defined in KRS 138.130 . . ." KRS 138.130 defines "nonresident wholesaler," resident wholesaler," and "unclassified acquirer." Pursuant to KRS 7.136(1)(h), the Reviser of Statutes has changed "nonresident wholesale" to "nonresident wholesaler" in subsection (8)(b) of this section during codification to correct this manifest clerical or typographical error.