

438.313 Distribution of cigarettes, tobacco products, alternative nicotine products, or vapor products to persons under age 18 prohibited -- Penalty -- Issuance of uniform citation.

- (1) No wholesaler, retailer, or manufacturer of cigarettes, tobacco products, alternative nicotine products, or vapor products may distribute cigarettes, tobacco products, alternative nicotine products, or vapor products, including samples thereof, free of charge or otherwise, to any person under the age of eighteen (18).
- (2) Any person who distributes cigarettes, tobacco products, alternative nicotine products, or vapor products, including samples thereof, free of charge or otherwise shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective purchaser or recipient is under the age of eighteen (18).
- (3) Any person who violates the provisions of this section shall be fined not less than one thousand dollars (\$1,000) nor more than two thousand five hundred dollars (\$2,500) for each offense. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older. For persons under the age of eighteen (18) years, the offense shall be deemed a status offense and shall be under the jurisdiction of the juvenile session of the District Court.
- (4) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section. If a child fails to appear in court in response to a uniform citation issued pursuant to this section, the court may compel the attendance of the defendant in the manner specified by law.

Effective: April 10, 2014

History: Amended 2014 Ky. Acts ch. 111, sec. 4, effective April 10, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 1927, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 4, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 477, sec. 2, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 38, sec. 5, effective March 5, 1996. -- Repealed, reenacted, and amended as KRS 438.313, 1994 Ky. Acts ch. 480, sec. 10, effective July 15, 1994. Created 1992 Ky. Acts ch. 164, sec. 1.

Formerly codified as KRS 365.395.