

248.752 Prohibited acts relating to cigarettes and cigarette packaging.

No person shall:

- (1) Sell or distribute, in this Commonwealth; acquire, hold, own, possess, or transport in this Commonwealth; for sale or distribution in this Commonwealth; or import or cause to be imported into this Commonwealth for sale or distribution in this Commonwealth:
 - (a) Any cigarettes the package of which:
 1. Bears any statement, label, stamp, sticker, or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed, or used in the United States including, but not limited to, a label stating "For Export Only," "U.S. Tax Exempt," "For Use Outside U.S.," or similar wording; or
 2. Does not comply with:
 - a. All requirements imposed by or in accordance with federal law regarding warnings, and other information on packages of cigarettes manufactured, packaged, or imported for sale, distribution, or use in the United States including, but not limited to, the precise warning label specified in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. sec. 1333; and
 - b. All federal trademark and copyright laws;
 - (b) Any cigarettes in violation of federal law or federal regulations, including, but not limited to, cigarettes imported into the United States in violation of 26 U.S.C. sec. 5754, 26 U.S.C. sec. 5704, 19 U.S.C. secs. 1681-1681b, U.S. Customs Law including Chapter 4, Subtitle IV of the Federal Tariff Act of 1930, 19 U.S.C. secs. 1671-1677n, or Pub. L. No. 106-476, the Federal Imported Cigarette Compliance Act of 2000; or
 - (c) Any cigarettes for which there has not been submitted to the Secretary of the United States Department of Health and Human Services the list or lists of the ingredients added to tobacco in the manufacture of the cigarettes required by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. sec. 1335a;
- (2) Alter the package of any cigarettes, prior to the sale or distribution to the ultimate consumer, so as to remove, conceal, or obscure:
 - (a) Any statement, label, stamp, sticker, or notice described in subsection (1)(a)2.a. of this section; or
 - (b) Any health warning that is not specified in or does not conform with the requirements of the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. sec. 1333; or
- (3) Affix any stamp required by KRS 138.146 or make other evidence of tax payment as provided in KRS 138.155 to the package of any cigarettes described in subsection (1) of this section or altered in violation of subsection (2) of this section.

Effective: January 1, 2002

History: Created 2001 Ky. Acts ch. 150, sec. 2, effective January 1, 2002.