

AN ACT relating to the display of tobacco, alternative nicotine, and vapor products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Tobacco product," "alternative nicotine product," and "vapor product" have the same meanings as in KRS 438.305; and*

(b) *"Tobacco product, alternative nicotine product, or vapor product menu" means a booklet, pamphlet, or list that contains a list of tobacco products, alternative nicotine products, or vapor products offered for sale by a retailer and the price of the products, which may contain pictures and advertisements for tobacco products, alternative nicotine products, or vapor products.*

(2) *A person engaged in sales at retail shall not display or permit the display of any tobacco product, alternative nicotine product, or vapor product, in any portion of the place of business that is accessible to the public, in a manner that permits a customer to readily view the tobacco product, alternative nicotine product, or vapor product prior to purchase.*

(3) *A retailer shall not display or permit the display of any tobacco product, alternative nicotine product, or vapor product for any longer than necessary to complete the purposes identified in subsection (4) of this section.*

(4) *A person is not in violation of subsection (2) or (3) of this section if:*

(a) *At the direct request of a customer over the age of eighteen (18), the customer handles a tobacco product, alternative nicotine product, or vapor product to inspect the product for quality, freshness, and other attributes prior to purchase; or*

(b) *Tobacco products, alternative nicotine products, or vapor products are*

temporarily visible during restocking, the sale of the products, or the conveyance of tobacco products, alternative nicotine products, or vapor products into and out of the retail premises.

(5) A retailer selling tobacco products, alternative nicotine products, or vapor products may use a tobacco product, alternative nicotine product, or vapor product menu to show a customer over the age of eighteen (18) the scope of products available for sale.

(6) (a) A retailer shall not store the product menu in a location where it is visible to customers or accessible to customers without the assistance of the retailer.

(b) A retailer shall not provide any tobacco product, alternative nicotine product, or vapor product menu to any person under the age of eighteen (18).

(c) After a customer has completed viewing a menu, a retailer shall immediately return the menu to its storage location.

(d) Any tobacco advertisements or promotions included in the tobacco product, alternative nicotine product, or vapor product menu shall include warning labels required by federal or state law or regulation.

(7) (a) The Department of Alcoholic Beverage Control shall enforce this section and may conduct periodic inspections to ensure compliance with this section.

(b) Any citizen who desires to register a complaint under this section may do so with the Department of Alcoholic Beverage Control.

(8) Any retailer found in violation of subsection (2), (3), (5), or (6) of this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for a first violation and a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for any subsequent violation. The fine shall be administered by the Department of

Alcoholic Beverage Control using a civil enforcement procedure.

(9) The Department of Alcoholic Beverage Control is authorized to promulgate administrative regulations pursuant to KRS Chapter 13A as necessary to implement and carry out this section.