

**438.310 Sale of tobacco products to persons under age 18 prohibited -- Penalty.**

- (1) No person shall sell or cause to be sold any tobacco product at retail to any person under the age of eighteen (18), or solicit any person under the age of eighteen (18) to purchase any tobacco product at retail.
- (2) Any person who sells tobacco products at retail shall cause to be posted in a conspicuous place in his establishment a notice stating that it is illegal to sell tobacco products to persons under age eighteen (18).
- (3) Any person selling tobacco products shall require proof of age from a prospective buyer or recipient if the person has reason to believe that the prospective buyer or recipient is under the age of eighteen (18).
- (4) A person who violates subsection (1) or (2) 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.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1925, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 2, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 38, sec. 3, effective March 5, 1996. -- Amended 1994 Ky. Acts ch. 480, sec. 9, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 164, sec. 3, effective July 14, 1992. -- Created 1990 Ky. Acts ch. 388, sec. 1, effective July 13, 1990.

**Formerly codified as** KRS 438.045.