

**438.313 Distribution of tobacco products to persons under age 18 prohibited  
-- Penalty -- Issuance of uniform citation.**

- (1) No wholesaler, retailer, or manufacturer of cigarettes or tobacco products may distribute cigarettes or tobacco products, including samples thereof, free of charge or otherwise, to any person under the age of eighteen (18).
- (2) Any person who distributes cigarettes or tobacco 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:** July 15, 2010

**History:** 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 -- Repealed, reenacted, and amended as KRS 438.313, 1994 Ky.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.