438.315 Sales to or purchases by persons under age 18 from vending machine prohibited -- Location of vending machine -- Penalty -- Issuance of uniform citation.

(1) The sale of tobacco products dispensed through a vending machine is prohibited to any person under the age of eighteen (18) years.

(2) The purchase of tobacco products dispensed through a vending machine is prohibited to any person under the age of eighteen (18) years.

(3) Except for vending machines located in factories or vending machines located in bars or taverns to which minors are not permitted access, beginning one (1) year after July 15, 1994, any vending machine from which tobacco products are dispensed shall be located in the line of sight of the cashier for the retail establishment.

(4) Any owner of a retail establishment violating this section shall be subject to a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) for each violation. 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.

(5) 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. 1928, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 5, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 477, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 38, sec. 6, effective March 5, 1996. -- Created 1994 Ky. Acts ch. 480, sec. 3, effective July 15, 1994.