

1 PUBLIC PROTECTION CABINET

2 Department of Alcoholic Beverage Control

3 (New Administrative Regulation)

4 804 KAR 13:020. Tobacco, nicotine, or vapor product license application forms.

5 RELATES TO: KRS 438.3063, 438.3065, 438.3067, 438.310

6 STATUTORY AUTHORITY: KRS 438.3055, 438.3063, 438.340

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.340 authorizes the department to
8 promulgate administrative regulations as necessary to implement and carry out the provisions of
9 KRS 438.305 to 438.350. KRS 438.3055 authorizes the Division of Tobacco, Nicotine, and Vapor
10 Product Licensing to promulgate administrative regulations that govern the sale and distribution of
11 alternative nicotine products, tobacco products, and vapor products. KRS 438.3063 mandates that
12 the department prescribe a form to apply for a tobacco, nicotine, or vapor product license. This
13 administrative regulation prescribes the form of the tobacco, nicotine, or vapor product license
14 application forms utilized by the department.

15 Section 1. Definitions. "Licensee" shall mean the holder of a tobacco, nicotine, or vapor product
16 license.

17 Section 2. Initial Tobacco, Nicotine, or Vapor Product License Application Requirements.

18 (1) An initial applicant for a tobacco, nicotine, or vapor product license shall:

19 (a) Complete and submit the Initial Tobacco, Nicotine, or Vapor Product License
20 Application form, and the associated documents required by that form, to the

1 commissioner via the department's online licensing portal at

2 <https://abcportal.ky.gov/BELLEExternal>;

3 (b) Pay the nonrefundable application fee established by KRS 438.3063(1); and

4 (c) Pay the license fee established in KRS 438.3063(4)(a).

5 (2) If the applicant has purchased a tobacco, nicotine, or vapor product licensed business and
6 wishes to continue selling tobacco, nicotine, or vapor products at this business premises, the
7 applicant shall, in addition to the requirements of subsection (1):

8 (a) Indicate on the Initial Tobacco, Nicotine, or Vapor Product License Application form
9 that it has purchased the business from a licensee;

10 (b) Submit documentation of the published advertisement in accordance with KRS
11 438.3065(1)(b) to the commissioner via the department's online licensing portal at
12 <https://abcportal.ky.gov/BELLEExternal>;

13 (c) Submit written verification of the seller's consent to the sale via the department's online
14 licensing portal at <https://abcportal.ky.gov/BELLEExternal> in the format required by the
15 Initial Tobacco, Nicotine, or Vapor Product License Application; and

16 (d) Pay the nonrefundable transitional license fee established by KRS 438.3065(2).

17 Section 3. Renewal Schedule.

18 (1) Tobacco, nicotine, or vapor product licenses shall expire one year from the date the license is
19 issued unless renewed.

20 (2) Notwithstanding subsection (1) of this section, and pursuant to KRS 438.3063(3), initial
21 applicants for a tobacco, nicotine, or vapor product license may elect to schedule the first renewal of
22 their tobacco, nicotine, or vapor product license, if issued, to occur in the calendar year after which
23 an initial license was obtained, in accordance with either:

1 (a) The renewal schedule for alcoholic beverage licenses outlined in 804 KAR 4:390, Section 2,
2 in the county in which their premises is located; or

3 (b) If the applicant will be batch renewing their licenses, in accordance with the renewal schedule
4 for batch renewals outlined in 804 KAR 4:390, Section 3.

5 (3) Notwithstanding subsection (1) of this section, if an applicant elects for their renewal schedule
6 to occur in accordance with 804 KAR 4:390 pursuant to KRS 438.3063(3) and subsection (2) of this
7 section:

8 (a) The applicant shall pay a prorated tobacco, nicotine, or vapor product license fee equal to
9 one-twelfth (1/12) the annual fee for a tobacco, nicotine, or vapor product license, multiplied
10 by the number of months between the issuance of their initial tobacco, nicotine, or vapor
11 product license and either:

12 1. The month alcoholic beverage licenses expire in the county in which their licensed
13 premises is located, in the calendar year after which an initial license was obtained,
14 in accordance with 804 KAR 4:390 Section 2; or

15 2. If batch renewing their license, the month alcoholic beverage licenses expire for
16 batch renewals in the calendar year after which an initial licensed was obtained, in
17 accordance with 804 KAR 4:390 Section 3.

18 In either case, the number of months to be considered in calculating the amount of the fee
19 shall include the month the tobacco, nicotine, or vapor product license is issued and the
20 month that alcoholic beverage licenses expire under the relevant renewal schedule.

21 (b) The applicant's initial tobacco, nicotine, or vapor product license, if issued, shall be deemed
22 surrendered on the date alcoholic beverage licenses expire in accordance with the renewal

1 schedule the applicant elected to follow pursuant to subsection (2) of this section, if such an
2 election was made, and if not renewed in accordance with Section 4 of this regulation.

3 (4) If a tobacco, nicotine, or vapor product license is issued and the licensee wishes to renew it, the
4 licensee shall file a Tobacco, Nicotine, or Vapor Product License Renewal Application in accordance
5 with Section 4 of this regulation.

6 Section 4. Tobacco, Nicotine, or Vapor Product License Renewal Application. A licensee wishing
7 to renew their license shall:

8 (1) Pay all fines incurred under KRS 438.305 to 438.350 prior to renewing their license;

9 (2) Pay the nonrefundable application fee established by KRS 438.3063(1);

10 (3) Pay the license fee established in KRS 438.3063(4)(a); and

11 (4) Complete and submit the Tobacco, Nicotine, or Vapor Product License Renewal Application
12 form to renew their license no more than forty-five (45) days prior to its:

13 (a) Expiration; or

14 (b) Surrender date, if renewing in accordance with an election made pursuant to
15 Section 3(2) of this regulation.

16 Section 5. Renewal Grace Period. If a licensee fails to renew its license by the expiration date, the
17 department may grant one (1) extension that shall not exceed thirty (30) days from the original
18 expiration date. The licensee shall not conduct any activity related to the sale of tobacco, nicotine,
19 or vapor products during the extension period. A license not renewed during the thirty (30) day
20 extension period shall not be renewed thereafter for any reason, and the licensee shall be required to
21 apply for a new license, should they wish to engage in the sale of tobacco, nicotine, or vapor products.

22 Section 6. Applications for Tobacco, Nicotine, or Vapor Product Licenses Submitted Online. All
23 tobacco, nicotine, and vapor product license application forms shall be submitted through the

1 department's online licensing management portal located at

2 <https://abcportal.ky.gov/BELLEExternal>.

3 Section 7. Incorporation by Reference.

4 (1) The following material is incorporated by reference:

5 (a) "Initial Tobacco, Nicotine, or Vapor Product License Application," October 2025;

6 (b) "Tobacco, Nicotine, or Vapor Product License Renewal Application," October 2025.

7 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at

8 the Kentucky Department of Alcoholic Beverage Control, 500 Mero St., Frankfort, Kentucky

9 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the

10 department's Web site, <http://www.abc.ky.gov/>.

APPROVED: 10/21/25



Scotty Tracy, Commissioner
Department of Alcoholic Beverage Control



Ray Perry, Secretary
Public Protection Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on **January 22, 2026**, at **9:00 a.m. EST**, at 500 Mero Street, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through **January 31, 2026**. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Joshua Newton, General Counsel, Alcoholic Beverage Control, 500 Mero Street, Frankfort, KY 40601; Joshua.Newton@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

804 KAR 13:020

Contact Person: Joshua Newton

Phone: 502-782-0770

Email: Joshua.Newton@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation prescribes the form of the tobacco, nicotine, or vapor product license application utilized by the department.

(b) The necessity of this administrative regulation:

KRS 438.3063 mandates that the department prescribe a form to apply for a tobacco, nicotine, or vapor product license. This regulation is necessitated by that statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 438.340 authorizes the department to promulgate administrative regulations as necessary to implement and carry out the provisions of KRS 438.305 to 438.350. KRS 438.3063 mandates that the department prescribe a form to apply for a tobacco, nicotine, or vapor product license. This administrative regulation prescribes the form of the tobacco, nicotine, or vapor product license application utilized by the department, as required by the statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist with the effective administration of the statute by providing the form needed to apply for the required license. Without an application process in place, the ability to sell tobacco, nicotine, or vapor products will be adversely affected.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

It is estimated that there are approximately 7,000 retailers of tobacco, nicotine or vapor products in the Commonwealth of Kentucky. These businesses include gas stations, grocery stores, and standalone vape/tobacco businesses. All businesses that want to sell tobacco, nicotine, or vapor products, must have a license to sell any of those products as of January 1, 2026.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an

amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Kentucky businesses must obtain a license to sell tobacco, nicotine, or vapor products by January 1, 2026. This regulation provides the form for those businesses to apply for the required license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

This regulation does not impose costs on any entity identified in question (3). However, the license fee is set out in statute.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities wishing to sell tobacco, nicotine, or vapor products will benefit from this regulation as it provides the form they will need to obtain the required license.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of \$2,750,000.00 and an annual increased cost of \$2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—the processing of applications and the issuance of licenses contemplated by this administrative regulation.

(b) On a continuing basis: See increased annual cost referenced above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The implementation and enforcement of the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100) will be funded through the collection of licensure fees and civil penalty fines.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: SB 100 established license fees and fines that will be necessary to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied. This regulation provides the form for applicants wishing to obtain a tobacco, nicotine or vapor product license.

FISCAL IMPACT STATEMENT

804 KAR 13:020

Contact Person: Joshua Newton

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(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 438.3063, 438.3065, 438.3067, 438.310, 438.3055, 438.340

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Senate Bill 100 of the 2025 Kentucky General Assembly

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Alcoholic Beverage Control is the promulgating agency. No other state units, parts or divisions are affected by this regulation.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a): N/A

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): This regulation will have no effect on any local entities.

(b) Estimate the following for each affected local entity identified in (4)(a):N/A

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities will be affected by this regulation. This regulation will have no effect on any other regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a):

(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact as it only provides the application form for retailers that want to sell tobacco, nicotine, or vapor products to obtain the required license.

(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation imposes no new action on any regulated body.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): This regulation is anticipated to have a major economic impact. To implement and enforce the licensing and retail sales requirements contemplated by 2025 Ky. Acts Ch. 78 (SB 100), the department will be required to employ 20 additional staff members, resulting in an initial cost of \$2,750,000.00 and an annual increased cost of \$2,250,000.00 to the department. A portion of those additional staff members will be dedicated to—and the costs associated with their hiring will be attributed to—the processing of applications and the issuance of licenses contemplated by this administrative regulation

(b) The methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the regulation imposes no new action on any regulated body.

FEDERAL MANDATE ANALYSIS COMPARISON

804 KAR 13:020

Contact Person: Joshua Newton

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- (1) Federal statute or regulation constituting the federal mandate. N/A
- (2) State compliance standards. N/A
- (3) Minimum or uniform standards contained in the federal mandate. N/A
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

804 KAR 13:020. Tobacco, nicotine, or vapor product license application forms.

“Initial Tobacco, Nicotine, or Vapor Product License Application,” October 2025, 6 pages

This document serves to show the content of the online application available through the department’s online licensing portal at <https://abcportal.ky.gov/BELLEExternal> used by businesses and individuals to apply for an annual tobacco, nicotine, or vapor product license.

“Tobacco, Nicotine, or Vapor Product License Renewal Application,” October 2025, 8 pages

This document serves to show the content of the online application available through the department’s online licensing portal at <https://abcportal.ky.gov/BELLEExternal> used by businesses and individuals to apply renew their annual tobacco, nicotine, or vapor product license.