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*Amge Darnell*

REGULATIONS COMPILER

1 PUBLIC PROTECTION CABINET

2 Department of Alcoholic Beverage Control

3 (New Administrative Regulation)

4 804 KAR 13:011. Tobacco, nicotine, and vapor product enforcement and administration.

5 RELATES TO: KRS Chapter 13B, 438.305 to 438.350

6 STATUTORY AUTHORITY: KRS 438.340, 438.3055

7 CERTIFICATION STATEMENT:

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 438.305 to 438.350 impose penalties  
9 upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate  
10 relevant statutory provisions or the department's administrative regulations related to tobacco,  
11 nicotine, or vapor products. These statutes also mandate that the department enforce penalties  
12 using an administrative hearing process in accordance with KRS Chapter 13B, and that the  
13 department collect and report statistics relating to the illegal sale to persons under the age of  
14 twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the  
15 enforcement of KRS 438.305 to 438.350. Specifically, KRS 438.340 authorizes the department to  
16 promulgate administrative regulations necessary to implement and carry out the provisions of KRS  
17 438.305 to 438.350, and KRS 438.3055 requires the department to carry out the enforcement  
18 provisions of KRS 438.305 to 438.350, including the promulgation of administrative regulations  
19 that govern the sale and distribution of alternative nicotine products, tobacco products, and vapor  
20 products. Additionally, 2026 Ky. Acts Ch. 70 (SB 245) mandates that the department prescribe

1 and publish application forms for tobacco, nicotine, or vapor product licenses within 30 days of its  
2 passage.

3 Section 1. Definitions. (1) "Department" is defined in KRS 438.305(5).

4 (2) "License" means a tobacco, nicotine, or vapor product license.

5 Section 2. Administration. The department shall be the administrative agency for hearing  
6 violations of KRS 438.305 to 438.350.

7 Section 3. Requests for Hearing. (1) A person or business receiving an administrative citation  
8 pursuant to KRS 438.305 to 438.350, a revocation of their license pursuant to KRS 438.3069, or  
9 a denial of their application for a license pursuant to KRS 438.3067, may request an administrative  
10 hearing on the matter, to be conducted by the department in accordance with KRS Chapter 13B.

11 (2) A request for hearing to contest the following shall be made in writing by the person or business  
12 receiving the administrative citation, revocation, or denial, or their attorney, within thirty (30) days  
13 of receipt:

14 (a) An administrative citation for a violation of KRS 438.305 to 438.350;

15 (b) A license revocation pursuant to KRS 438.3069; or

16 (c) A license application denial pursuant to KRS 438.3067.

17 (3) A request for a hearing shall include:

18 (a) A copy of the administrative citation, notice of revocation, or notice of denial;

19 (b) The name, address, and contact information of the person or business that received  
20 the administrative citation, revocation, or denial; and

21 (c) The name, address, and contact information of their agent for service, if that differs  
22 from the information provided pursuant to paragraph (b) of this subsection.

1 (4) A request for a hearing shall be mailed to the Department of Alcoholic Beverage Control,  
2 ATTN: Tobacco Hearing Request, 500 Mero Street, Frankfort, Kentucky 40601, or emailed to the  
3 department at abc.legal@ky.gov.

4 (5) Upon receipt of a timely request for hearing, the department shall refer the matter to an  
5 administrative hearing officer for adjudication in accordance with KRS Chapter 13B.

6 (6) If a request for hearing is not made within thirty (30) days of receipt of an administrative  
7 citation, revocation, or denial, the opportunity for a hearing shall be deemed to have been waived  
8 and the disciplinary action imposed shall thereby be deemed effective.

9 Section 4. Prepayment of Fines. A fine imposed pursuant to an administrative citation shall be  
10 prepayable within thirty (30) days of issuance of the administrative citation. A person not wishing  
11 to contest the allegations in the citation may resolve the charge by making a payment in the amount  
12 set forth in the administrative citation through any of the following methods:

13 (1) Mailing or otherwise submitting a cashier's check, certified check, business check, or money  
14 order payable to the Kentucky State Treasurer, to the Department of Alcoholic Beverage Control,  
15 500 Mero Street, Frankfort, Kentucky, 40601; or

16 (2) Making an electronic Tobacco Citation Payment on the department's online payment portal at  
17 <https://abcportal.ky.gov/BELLEExternal>.

18 Section 5. License Surrender. A tobacco, nicotine, or vapor product licensee and its employees  
19 shall not evade imposition of penalties or a finding of culpability for violations related to the  
20 regulation of alternative nicotine products, tobacco products, or vapor products by surrender or  
21 expiration of its license. The department shall retain the authority to enforce relevant provisions  
22 and penalties of KRS 438.305 to 438.350 against any individual or business entity who is under  
23 investigation for or charged with a violation of those statutes, even if the individual's or business

1 entity's tobacco, nicotine, or vapor product license has been surrendered or has expired by  
2 operation of law.

3 Section 6. Disposition of Records and Evidence. (1) The department shall preserve the  
4 confidentiality of all juvenile records by maintaining a separate filing system with access limited  
5 to the parties and their legal counsel. The department shall maintain statistical summaries of case  
6 information, including date of buy, geographical location of buy, name and address of retail seller,  
7 date of purchase, date of birth and gender of underage buyer, and disposition of case. Statistical  
8 summaries relating to underage buyers shall not identify the underage buyer by name.

9 (2) Physical property seized as contraband property, as defined by KRS 438.305(4), in the course  
10 of investigations of administrative violations of KRS 438.305 to 438.350 shall be maintained by  
11 the department in a secured evidentiary storage facility and destroyed after the administrative  
12 matter is resolved, unless it is found that the evidence was not used in violation of the law, in which  
13 case the property shall be returned to its owner.

14 (3) The disposition of contraband property and evidence shall not occur until all appeals associated  
15 with the administrative matter have been exhausted.

16 Section 7. Application Forms. (1) A tobacco, nicotine, or vapor product retailer shall initially apply  
17 for an annual tobacco, nicotine, or vapor product license by submitting the Initial Tobacco,  
18 Nicotine, or Vapor Product License Application Form to the department.

19 (a) The Initial Tobacco, Nicotine, or Vapor Product License Application Form shall be  
20 submitted with the following documents:

21 1. A copy of the deed or lease for the premises to be licensed if not currently on file  
22 with the department for an alcoholic beverage license, or a certification from the

1 landlord or landowner stating that the premises may be used for the sale of tobacco,  
2 nicotine, or vapor products;

3 2. Proof of registration with the Department of Revenue; and

4 3. A \$50 non-refundable application fee.

5 (b) An electronic version of the Initial Tobacco, Nicotine, or Vapor Product License  
6 Application Form may be completed and submitted through the department's online portal  
7 located at <https://abcportal.ky.gov/BelleExternal/>.

8 (2) A tobacco, nicotine, or vapor product retailer shall apply for a temporary tobacco, nicotine, or  
9 vapor product license by submitting the Tobacco, Nicotine, or Vapor Product Temporary License  
10 Application Form to the department.

11 (a) The Tobacco, Nicotine, or Vapor Product Temporary License Application Form shall  
12 be submitted with proof of the occurrence and duration of the fair, festival, or other event  
13 where the products will be sold.

14 (b) An electronic version of the Tobacco, Nicotine, or Vapor Product Temporary License  
15 Application Form may be completed and submitted through the department's online portal  
16 located at <https://abcportal.ky.gov/BelleExternal/>.

17 Section 8. Batch Application Form. (1) Notwithstanding Section 7, a tobacco, nicotine, or vapor  
18 product retailer may submit a Tobacco, Nicotine, or Vapor Product License Batch Application  
19 Form for:

20 (a) Multiple tobacco, nicotine, or vapor product licenses for multiple premises; or

21 (b) A tobacco, nicotine, or vapor product license or multiple licenses for multiple premises,  
22 in conjunction with one or more alcoholic beverage retail licenses.

1 (2) The Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application  
2 Form shall be submitted with the following documents:

3 (a) A copy of the deed or lease for each premises to be licensed if not currently on file with  
4 the department for an alcoholic beverage license, or a certification from the landlord or  
5 landowner stating that the premises may be used for the sale of tobacco, nicotine, or vapor  
6 products;

7 (b) Proof of registration with the Department of Revenue; and

8 (c) Any documents required by the department for alcoholic beverage licenses for which  
9 the applicant is applying.

10 (3) An electronic version of the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product  
11 License Batch Application Form may be completed and submitted through the department's online  
12 portal located at <https://abcportal.ky.gov/BelleExternal/>.

13 Section 9. Renewals. To renew its annual Tobacco, Nicotine or Vapor Product Licenses, a licensed  
14 tobacco, nicotine, or vapor product retailer shall submit to the department:

15 (1) A \$500 annual fee for each of the annual Tobacco, Nicotine, or Vapor Product licenses it holds;  
16 and

17 (2) If a material change has occurred as defined in 26 RS SB 245 Section 2(2)(b):

18 (a) A Tobacco, Nicotine, or Vapor Product License Renewal Form; or

19 (b) An Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal  
20 Form.

21 (3) Electronic versions of the Tobacco, Nicotine, or Vapor Product License Renewal Form, and  
22 the Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product Batch Renewal Form may be

1 completed and submitted through the department's online portal located at  
2 <https://abcportal.ky.gov/BelleExternal/>

3 Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

4 (a) "Initial Tobacco, Nicotine, or Vapor Product License Application Form," May 2026;

5 (b) "Tobacco, Nicotine, or Vapor Product Temporary License Application Form," May  
6 2026;

7 (c) "Tobacco, Nicotine, or Vapor Product License Renewal Form," May 2026;

8 (d) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch  
9 Application Form," May 2026; and

10 (e) "Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal  
11 Form," May 2026.

12 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the  
13 Department of Alcoholic Beverage Control, 500 Mero St., Frankfort, Kentucky 40601, Monday  
14 through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website,  
15 <http://www.abc.ky.gov/>.

APPROVED: May 15, 2026

  
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Scotty Tracy, Commissioner  
Department of Alcoholic Beverage Control

  
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DJ Wasson, Secretary  
Public Protection Cabinet

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on July 23, 2026 at 10:00 EDT, 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 July 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](mailto:Joshua.Newton@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

804 KAR 13:011

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 outlines the process for enforcement and administration of laws related to tobacco, nicotine and vapor products.

(b) The necessity of this administrative regulation:

KRS 438.305 to 438.350 impose penalties upon tobacco, nicotine, and vapor product retailers, wholesalers, and manufacturers who violate their provisions, or the regulations of the department related to tobacco, nicotine, or vapor products. These statutes also mandate that the department enforce these penalties using an administrative hearing process in accordance with KRS Chapter 13B, and that the department collect and report statistics relating to the illegal sale to persons under the age of twenty-one (21) of tobacco products, alternative nicotine products, and vapor products, and the enforcement of KRS 438.305 to 438.350. Additionally, 2026 Ky. Acts Ch. 70 (SB 245), Sections 2, 5, and 12 require that the department issue application forms for tobacco, nicotine, or vapor product licenses.

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

This administrative regulation outlines the process for enforcing the requirements of the statutes related to underage tobacco, nicotine and vapor product sales, how penalties are to be paid, and to whom the department will report data related to these enforcement efforts. This administrative regulation also outlines the process for applying for tobacco, nicotine, or vapor product licenses, and incorporates the application forms necessary for applying.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in effective administration of the statute by outlining the process for citing violations, payment of fines related to violations, and the process to appeal those citations, as well as outlining the process for applying for tobacco, nicotine, or vapor product licenses and incorporating the necessary forms to do so.

(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: N/A

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

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five

years? Yes, 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245).

(4) 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 between 5,500 and 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. This amendment could affect any number of these retailers and their clerks to the extent that this amendment updates them on how to pay fines for violations or how to appeal violation citations. Additionally, any retailers who have not previously obtained a license will need to apply for tobacco, nicotine, and vapor product licenses, and this regulation details how they apply for those licenses, incorporates the license application forms, and details how they may request a hearing if their application for licensure is denied.

(5) 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:

The regulated businesses will be required to take no action because of this amendment. However, this amendment provides the implementation process for statutory mandates set out in 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245).

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

This amendment does not impose costs on any entity identified in question (3). Costs are imposed by statute.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By complying with this amendment, a licensee who is charged with a violation will be afforded the benefit of a KRS Chapter 13B administrative hearing, should they elect to request one, whenever a tobacco, nicotine, or vapor product citation is issued. A tobacco retailer will also be able to apply for a license to continue selling tobacco, nicotine, or vapor products.

(6) 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) and 2026 Ky. Acts Ch. 70 (SB 245), the department will be required to employ 20 additional staff members, resulting in 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—executing the new enforcement procedures contemplated by this administrative regulation and administering the licensing process outlined by this administrative regulation.

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

(7) 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) and 2026 Ky. Acts Ch. 70 (SB 245) will be funded through the collection of licensure fees and civil penalty fines.

(8) 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: 2025 Ky. Acts Ch. 78 (SB 100) established license fees and fines that will be necessary to implement this regulation.

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

(10) TIERING: Is tiering applied? Tiering is not applied. This regulation amendment provides the process for paying violation fines or appealing violation citations.

## FISCAL IMPACT STATEMENT

804 KAR 13:011

Contact Person: Joshua Newton

Phone: 502-782-0770

Email: Joshua.Newton@ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS Chapter 13B, KRS 438.3055, 438.3067, 438.3069, 438.310, 438.312, 438.313, 438.316, 2026 Ky. Acts Ch. 70 (SB 245) Sections 2, 5, and 12.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 438.340, Senate Bill 100 of the 2025 Kentucky General Assembly, and Senate Bill 245 of the 2026 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 amendment.

(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 process for paying fines, appealing citations, and applying for tobacco, nicotine, or vapor product licenses, as well as incorporating the forms necessary to do so.

(b) Methodology and resources used to reach this conclusion: The only methodology used to reach this conclusion is that the amendment 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 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—executing the new enforcement procedures contemplated by this administrative regulation.

(b) The methodology and resources used to reach this conclusion: The Department consulted budget analysts to perform economic analysis on the implementation and enforcement of the requirements of 2025 Ky. Acts Ch. 78 (SB 100) and 2026 Ky. Acts Ch. 70 (SB 245) in arriving at the need for additional staff members.

## FEDERAL MANDATE ANALYSIS COMPARISON

804 KAR 13:011

Contact Person: Joshua Newton

Phone: 502-782-0770

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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

The “Initial Tobacco, Nicotine, or Vapor Product License Application Form,” (May 2026) is the 3-page application that retailers are required to file to be licensed to sell tobacco, nicotine, or authorized nicotine vapor products in Kentucky. 26 RS SB 245 Section 5 requires such retailers to complete an application form prescribed by the Department.

The “Tobacco, Nicotine, or Vapor Product Temporary License Application Form,” (May 2026) is the 4-page application that retailers are required to file to be licensed to sell tobacco, nicotine, or authorized nicotine vapor products in at fairs, festivals, and similar events. 26 RS SB 245 Section 5 requires such retailers to complete an application form prescribed by the Department.

The “Tobacco, Nicotine, or Vapor Product License Renewal Form,” (May 2026) is the 2-page application form that licensed tobacco, nicotine, or vapor product retailers must file to renew their annual license if there has been a material change in their business since the license was issued or their last renewal. Under those circumstances, 26 RS SB 245 Section 5 requires such retailers to complete a renewal form prescribed by the Department.

“Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Application Form,” (May 2026) is a 9-page application that retailers of tobacco, nicotine, or vapor products may use to license multiple premises for the retail sale of tobacco, nicotine, or vapor products or to license their premises for both the retail sale of tobacco, nicotine, or vapor products and alcoholic beverages. 26 RS SB 245 Section 5 requires that the Department provide a singular application option for businesses or retailers seeking to batch licenses.

The “Alcoholic Beverage & Tobacco, Nicotine, or Vapor Product License Batch Renewal Form,” (May 2026) is the 2-page application form that licensed tobacco, nicotine, or vapor product retailers holding multiple tobacco, nicotine, or vapor product licensed premises or a premises licensed for the retail sale of tobacco, nicotine, or vapor product license and alcoholic beverages may use to renew their annual licenses if there has been a material change in their business since the license was issued or their last renewal. Under those circumstances, 26 RS SB 245 Section 5 requires such retailers to complete a renewal form prescribed by the Department and requires that the Department offer a singular renewal form option for businesses and retailers seeking to renew batch licenses.