

SESSION OF 2006

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2739**

As Amended by House Committee on  
Health and Human Services

**Brief\***

HB 2739 would amend the statute that prohibits smoking in medical care facilities to also prohibit the use of any tobacco in those facilities or on medical care facility property, effective January 1, 2007. An exception to the general prohibition would be created for licensed long-term care units of medical care facilities. Tobacco could be used in such a unit by residents of that unit if the area is well-ventilated. The current smoking ban that applies inside medical care facilities would remain in effect until January 1, 2007.

By the effective date of the act, chief administrative officers of medical care facilities would have to adopt policies and procedures implementing the prohibition. The sign requirement in existing law would be amended to reflect the broader prohibition.

The penalty for violation of the prohibition against tobacco use would remain as in current law for violation of the smoking ban: a misdemeanor punishable by a \$20 fine. A new provision would impose the same penalty for failure of a hospital's chief administrative officer to adopt required policies and procedures describing facility buildings and property and implementation of the law at the facility.

**Background**

At the House Committee hearing, the bill was supported by representatives of the Kansas Hospital Association, the Department of Health and Environment, the American Heart Association, a group of medical students at the University of Kansas Medical Center, the Tobacco Free Kansas Coalition, the American Cancer Society, the American Lung Association of Kansas, the Kansas State Nurses Association, and the Kansas Medical Society. No opponents to the bill presented testimony to the House Committee.

---

\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee amendments were technical in nature.

The fiscal note prepared by the Division of the Budget states that enactment of the bill would have no fiscal effect on state revenues or expenditures. The House Committee amendments would not alter that assessment of fiscal impact.