

# Journal of the Senate

NINETEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, February 6, 2026, 2:30 p.m.

The Senate was called to order pro forma by Senator Brenda Dietrich.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 495**, AN ACT concerning motor vehicles; relating to motor vehicle repairs; enacting the motor vehicle right to repair act; establishing the motor vehicle repair board under the supervision of the office of the attorney general; requiring vehicle manufacturers to provide for purchase all diagnostic repair tools, parts, software and other components to motor vehicle owners and independent repair facilities, by Committee on Commerce.

**SB 496**, AN ACT concerning education; relating to postsecondary educational institutions; requiring the state board of regents, in consultation with the attorney general, to develop materials, programs and procedures regarding freedom of speech, association and exercise of religion; requiring postsecondary educational institutions to provide training to certain individuals using such materials, programs and procedures; requiring the state board of regents to confirm that each such institution has complied with such requirements; authorizing the attorney general to bring a civil action to enforce compliance with this act, by Committee on Education.

**SB 497**, AN ACT concerning controlled substances; adding kratom to schedule I of the uniform controlled substances act and making conforming amendments to the definition of fentanyl-related controlled substance in the criminal code; amending K.S.A. 2025 Supp. 21-5701 and 65-4105 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 498**, AN ACT concerning taxation; relating to income tax; providing a tax credit for the retail sale of higher ethanol blends of fuel; discontinuing the tax credit for qualified alternative-fueled motor vehicle property or fueling station expenditures; amending K.S.A. 79-32,201 and repealing the existing section, by Committee on Assessment and Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 488**, **SB 489**, **SB 490**.

Education: **SB 491**.

Federal and State Affairs: **SCR 1621**.

Financial Institutions and Insurance: **HB 2515**.  
Judiciary: **SB 492, SB 493, SB 494**.

#### **REPORTS OF STANDING COMMITTEES**

Committee on **Federal and State Affairs** recommends **SB 355** be amended on page 5, following line 32, by inserting:

"Sec. 4. K.S.A. 2025 Supp. 79-3321 is hereby amended to read as follows: 79-3321. It shall be unlawful for any person:

(a) Except as otherwise specifically provided by this act, to possess, sell, transport, import, distribute, wholesale or manufacture more than 1,000 cigarettes without the required tax indicia being affixed as herein provided.

(b) To mutilate or attach to any individual package of cigarettes any stamp that has in any manner been mutilated or that has been heretofore attached to a different individual package of cigarettes or to have in possession any stamps so mutilated.

(c) To prevent the director or any officer or agent authorized by law, to make a full inspection for the purpose of this act, of any place of business and all premises connected thereto where cigarettes are or may be manufactured, sold, distributed, or given away.

(d) To use any artful device or deceptive practice to conceal any violation of this act or to mislead the director or officer or agent authorized by law in the enforcement of this act.

(e) Who is a dealer to fail to produce on demand of the director or any officer or agent authorized by law any records or invoices required to be kept by such person.

(f) Knowingly to make, use, or present to the director or agent thereof any falsified invoice or falsely state the nature or quantity of the goods invoiced.

(g) Who is a dealer to fail or refuse to keep and preserve for the time and in the manner required by this act all the records required by this act to be kept and preserved.

(h) To wholesale cigarettes to any person, other than a manufacturer's salesperson, retail dealer or wholesaler who is:

(1) Duly licensed by the state where such manufacturer's salesperson, retail dealer or wholesaler is located; or

(2) exempt from state licensing under applicable state or federal laws or court decisions including any such person operating as a retail dealer upon land allotted to or held in trust for an Indian tribe recognized by the United States bureau of Indian affairs.

(i) To have in possession any evidence of tax indicia provided for herein not purchased from the director.

(j) To fail or refuse to permit the director or any officer or agent authorized by law to inspect a carrier transporting cigarettes.

(k) To vend small cigars, or any products so wrapped as to be confused with cigarettes, from a machine vending cigarettes, nor shall a vending machine be so built to vend cigars or products that may be confused with cigarettes, be attached to a cigarette vending machine.

(l) To sell, furnish or distribute cigarettes, electronic cigarettes or tobacco products to any person under 21 years of age.

(m) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes or tobacco products.

(n) Who is under 21 years of age to possess or attempt to possess cigarettes,

electronic cigarettes or tobacco products.

(o) To sell cigarettes to a retailer or at retail that do not bear Kansas tax indicia or upon which the Kansas cigarette tax has not been paid.

(p) To sell cigarettes without having a license for such sale as provided herein.

(q) To sell a vending machine without having a vending machine distributor's license.

(r) Who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "By law, cigarettes, electronic cigarettes and tobacco products may be sold only to persons 21 years of age and older."

(s) To distribute samples within 500 feet of any school when such facility is being used primarily by persons under 21 years of age unless the sampling is:

(1) In an area to which persons under 21 years of age are denied access;

(2) in or at a retail location where cigarettes and tobacco products are the primary commodity offered for sale at retail; or

(3) at or adjacent to an outdoor production, repair or construction site or facility.

(t) To sell cigarettes, electronic cigarettes or tobacco products by means of a vending machine, including vending machines that sell packaged, single cigarettes, in any establishment, or portion of an establishment, which is open to minors, except that this subsection shall not apply to:

(1) The installation and use by the proprietor of the establishment, or by the proprietor's agents or employees, of vending machines behind a counter, or in some place in such establishment, or portion thereof, to which minors are prohibited by law from having access; or

(2) the installation and use of a vending machine in a commercial building or industrial plant, or portions thereof, where the public is not customarily admitted and where machines are intended for the sole use of adult employees employed in the building or plant.

(u) To sell cigarettes, electronic cigarettes or tobacco products by means of a self-service display in any establishment, except that the provisions of this subsection shall not apply to:

(1) A vending machine that is permitted under subsection (t);

(2) a self-service display that is located in a tobacco specialty store; or

(3) a self-service display located in a facility where the retailer ensures that no person younger than 21 years of age is present or permitted to enter at any time.

(v) To sell or distribute in this state; to acquire, hold, own, possess or transport for sale or distribution in this state; or to import or cause to be imported, into this state for sale or distribution in this state:

(1) Any cigarettes the package of which: (A) Bears any statement, label, stamp, sticker or notice indicating that the manufacturer did not intend the cigarettes to be sold, distributed or used in the United States, including, but not limited to, labels stating "For Export Only," "U.S. Tax-Exempt," "For Use Outside U.S." or similar wording; or (B) does not comply with: (i) All requirements imposed by or pursuant to federal law regarding warnings and other information on packages of cigarettes manufactured, packaged or imported for sale, distribution or use in the United States, including but not limited to the precise warning labels specified in the federal cigarette labeling and advertising act, 15 U.S.C. § 1333; and (ii) all federal trademark and copyright laws;

(2) any cigarettes imported into the United States in violation of 26 U.S.C. § 5754

or any other federal law, or federal regulations implementing such laws;

(3) any cigarettes that such person otherwise knows or has reason to know the manufacturer did not intend to be sold, distributed or used in the United States; or

(4) any cigarettes for which there has not been submitted to the secretary of the U.S. department of health and human services the list or lists of the ingredients added to tobacco in the manufacture of such cigarettes required by the federal cigarette labeling and advertising act, 15 U.S.C. § 1335a.

(w) To alter the package of any cigarettes, prior to sale or distribution to the ultimate consumer, so as to remove, conceal or obscure:

(1) Any statement, label, stamp, sticker or notice described in subsection (v); or

(2) any health warning that is not specified in, or does not conform with, the requirements of, the federal cigarette labeling and advertising act, 15 U.S.C. § 1333.

(x) To affix any stamp required pursuant to K.S.A. 79-3311, and amendments thereto, to the package of any cigarettes described in subsection (v) or altered in violation of subsection (w).

(y) To possess, sell, transport, import, distribute, wholesale or manufacture cigarettes, smokeless tobacco or roll-your-own tobacco in violation of K.S.A. 50-6a01 et seq., and amendments thereto.

(z) To sell cigarettes, smokeless tobacco or roll-your-own tobacco in any manner that is not a direct, face-to-face exchange between the retailer and the consumer, except:

(1) Mail-order sales, which shall not include mail-order redemption coupons and distribution of free samples through the mail; (2) vending machines as provided in subsection (t); and (3) self-service displays as provided in subsection (u).

(aa) To market, advertise, sell or cause to be sold an electronic cigarette if such electronic cigarette's container, packaging or advertising:

(1) Depicts a cartoon-like fictional character that mimics a character primarily aimed at entertaining minors;

(2) imitates or mimics trademarks or trade dress of products that are or have been primarily marketed to minors;

(3) includes a symbol that is primarily used to market products to minors;

(4) includes an image of a celebrity; or

(5) is designed to disguise the fact that such product is an electronic cigarette.

(bb) To market, advertise, sell or cause to be sold an electronic cigarette that has entertainment features, such as the ability to play games, play music or other audio, display photos or video or any similar electronic entertainment features.";

On page 9, in line 36, after "79-3373" by inserting "and K.S.A. 2025 Supp. 79-3321"; And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the semicolon by inserting "prohibiting the sale of e-cigarettes marketed to minors;"; in line 7, after the second "and" by inserting "K.S.A. 2025 Supp. 79-3321 and"; and the bill be passed as amended.

Also, **SCR 1617** be amended on page 1, in line 28, by striking all after the stricken material; by striking all in lines 29 and 30; in line 31, by striking all before the period; in line 34, by striking "require" and inserting "provide that"; in line 35, after "legislature" by inserting "would be necessary";

On page 2, in line 4, by striking "require" and inserting "provide that"; in line 5, after "legislature" by inserting "would be necessary"; in line 24, by striking all after "2026"; by striking all in lines 25 and 26; in line 27, by striking all before the period.

On page 1, in the title, in line 2, by striking "requiring" and inserting "providing that"; also in line 2, after "majority" by inserting "is necessary"; and the resolution be adopted as amended.

The Committee on **Financial Institutions and Insurance** recommends **SB 360** be amended on page 5, in line 25, by striking all after "(C)"; by striking all in lines 26 through 28; in line 29, by striking "(D)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 7, in line 39, by striking "not";

On page 8, in line 23, by striking all after "(d)"; by striking all in lines 24 through 27; in line 28, by striking "(2)"; also in line 28, by striking "greater than the" and inserting "not applied to reduce a covered individual's"; also in line 28, after "sharing" by inserting "by the insurer"; in line 29, by striking "to reduce premiums"; in line 30, after "to" by inserting "require or"; also in line 30, by striking "person's" and inserting "individual's"; in line 31, by striking "an amount greater than what is previously stated" and inserting "the application of rebates"; in line 32, after "(e)" by inserting "The provisions of this section shall not apply to self-funded health plans subject to the provisions of ERISA, the federal employee retirement income security act of 1974.

(f)";

Also in line 32, by striking "an insured" and inserting "a covered person";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

And the bill be passed as amended.

Committee on **Local Government, Transparency and Ethics** recommends **SB 396** be amended on page 1, in line 14, by striking "an" and inserting "the"; also in line 14, after "trustees" by inserting "by the board of trustees at the next meeting of such board following the adoption of the resolution"; in line 15, by striking "may" and inserting "shall"; in line 17, by striking "beginning" and inserting "on a nonpartisan basis"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 321** be amended on page 1, in line 6, by striking "The junction of I-35 and U.S." and inserting "Bridge No. 105-0283: 69-105-154.61 (283) and bridge no. 105-0278: 69-105-154.62 (278) located on United States"; in line 7, by striking "is" and inserting "are"; also in line 7, after "hereby" by inserting "collectively"; in line 8, by striking "interchange" and inserting "bridge"; in line 10, by striking "interchange" and inserting "bridge"; in line 11, by striking "interchange" and inserting "bridge";

Also on page 1, in the title, in line 1, by striking all after "designating"; in line 2, by striking "and U.S." and inserting "certain bridges on United States"; in line 3, by striking "interchange" and inserting "bridge"; and the bill be passed as amended.

Also, recommends **SB 367** be amended on page 1, in line 12, after the "thereto," by inserting "in order to drive to or return from a golf course";

Also on page 1, in the title, in line 2, after "sidewalks" by inserting "in order to drive to or return from a golf course"; and the bill be passed as amended.

On motion of Senator Fagg, the Senate adjourned until 2:30 p.m., Monday, February 9, 2026.

FEBRUARY 6, 2026

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CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*  
COREY CARNAHAN, *Secretary of the Senate.*

