

Nick Jordan, Secretary  
Doug Jorgensen, Director

Sam Brownback, Governor

Senate Federal and State Affairs Committee  
HB 2324

Testimony of  
Doug Jorgensen  
Director, Alcoholic Beverage Control

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Good afternoon Mr. Chairman and members of the committee. I thank you for the opportunity to appear here today to present testimony on HB 2324.

The Alcoholic Beverage Control (ABC) is neutral on the passage of this bill. However, if the bill passes as presented, ABC would like the committee to be aware of the following issues the ABC would have in jurisdiction and enforcement of the bill.

HB 2324 (the bill) will make the sale to or possession of e-cigarettes by minors illegal. The bill is making amendments to K.S.A. 79-3321 in the Cigarette and Tobacco Enforcement Act (the act). ABC is empowered to enforce the act. However, the Cigarette and Tobacco Enforcement unit of ABC only has administrative jurisdiction over licensed cigarette and tobacco retailers.

The bill would make e-cigarette sales to minors a violation of the statute but unless the seller of the e-cigarettes is a licensed retailer or wholesaler, ABC does not have jurisdiction to cite or correct the violation. ABC would not have jurisdiction over some vendors, kiosks in malls, or any other eclectic retailer that would like to sell e-cigarettes.

This issue could be remedied by requiring the sellers to obtain a cigarette retailers license. This can be accomplished with the following changes or amendments :

1. Require businesses selling e-cigarettes to be licensed as a retail dealer by amending KSA 79-3301 (q)

(q) "Retail dealer" means a person, other than a vending machine operator, in possession of cigarettes or e-cigarettes for the purpose of sale to a consumer.

2. Amend KSA 79-3303 (a) to include e-cigarettes

79-3303. Licenses and permits; requirements relating to vending machines. (a) Each person engaged in the business of selling cigarettes or e-cigarettes in the state of Kansas...

If the changes are not included, it would allow any vendor, kiosk, or store to sell the product and ABC would not have jurisdiction to enforce this new statute. By requiring all sellers to be licensed, ABC would have the needed jurisdiction.

Please let me know if you have any question

Thank you for considering our testimony.