

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2324**

As Amended by Senate Committee on Federal  
and State Affairs

**Brief\***

HB 2324, as amended, would create new crimes concerning minors and electronic cigarettes, which the bill would define. Specifically, it would be unlawful to sell, furnish, or distribute electronic cigarettes to any person under 18 years of age and, with some exceptions, to sell electronic cigarettes by means of a vending machine in any establishment open to minors or a self-service display in any establishment. It also would require a retail dealer to add "electronic cigarettes" to the sign explaining cigarettes and tobacco products cannot be sold to minors. Further, it would be unlawful for any person who is under 18 to purchase, attempt to purchase, possess, or attempt to possess electronic cigarettes. Finally, the bill would add the term "electronic cigarettes" to the Tobacco Products Act where necessary in order to allow the Division of Alcoholic Beverage Control to enforce the provisions governing electronic cigarettes.

**Background**

In the House Committee on Corrections and Juvenile Justice, representatives of the American Cancer Society, the Tobacco Free Kansas Coalition, and the Leavenworth County Attorney offered testimony in support of HB 2324. No opponents offered testimony. The Committee amended the definition of "electronic cigarette" to clarify it does not have to be shaped like or similar to a cigarette.

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\*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>

In the Senate Committee on Federal and State Affairs, representatives of the American Cancer Society, the Tobacco Free Kansas Coalition and the Leavenworth County Attorney offered testimony in support of HB 2324. No opponents offered testimony. The Director of the Division of Alcoholic Beverage Control (ABC) testified as neutral on the bill.

The Senate Committee amended the bill to add the term "electronic cigarettes" to the Tobacco Products Act, so that the ABC could enforce the provisions governing electronic cigarettes.

The fiscal note for HB 2324, as introduced, indicates passage would have no fiscal effect on the Kansas Department of Health and Environment, and additional staff time required for inspection of licensed cigarette retail dealers could be absorbed within the Department of Revenue's existing resources.