

SENATE BILL No. 130

By Committee on Assessment and Taxation

2-1

1 AN ACT concerning the cigarette and tobacco products act; relating to
2 consumable material; amending K.S.A. 2016 Supp. 79-3302 and 79-
3 3399 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 79-3302 is hereby amended to read as
7 follows: 79-3302. (a) K.S.A. 79-3301 through 79-3304, 79-3306, 79-3309,
8 79-3310, 79-3311, 79-3312, 79-3312a, 79-3313, 79-3316, 79-3321, 79-
9 3322, 79-3323, 79-3324a, 79-3326, 79-3328, 79-3329, 79-3371, 79-3373,
10 79-3374, 79-3375, 79-3377, 79-3378, 79-3379, 79-3387, 79-3388, 79-
11 3391, 79-3392, 79-3393, 79-3394 and K.S.A. 2016 Supp. 79-3395 through
12 ~~79-3398~~ 79-3399, and amendments thereto, shall be known and may be
13 cited as the Kansas cigarette and tobacco products act.

14 (b) It is the purpose and intent of this act to regulate the sale of
15 cigarettes and tobacco products in this state and to impose a tax thereon.

16 Sec. 2. K.S.A. 2016 Supp. 79-3399 is hereby amended to read as
17 follows: 79-3399. (a) On and after January 1, 2017, a tax is hereby
18 imposed upon the privilege of selling or dealing in electronic cigarettes in
19 this state by any person engaged in business as a distributor thereof, at the
20 rate of \$.20 per milliliter of consumable material for electronic cigarettes
21 and a proportionate tax at the like rate on all fractional parts thereof. For
22 electronic cigarettes in the possession of retail dealers for which tax has
23 not been paid, tax shall be imposed under this subsection at the earliest
24 time the retail dealer: (1) Brings or causes to be brought into this state
25 from without the state electronic cigarettes for sale; (2) makes,
26 manufactures or fabricates electronic cigarettes in this state for sale in this
27 state; or (3) sells electronic cigarettes to consumers within this state.

28 (b) *"Consumable material" means any liquid nicotine or other*
29 *solution containing nicotine. For purposes of this definition, "consumable*
30 *material" is the final product sold to consumers that is depleted as an*
31 *electronic cigarette is used.*

32 (c) The secretary of revenue shall adopt rules and regulations to
33 implement the provisions of this section.

34 Sec. 3. K.S.A. 2016 Supp. 79-3302 and 79-3399 are hereby repealed.

35 Sec. 4. This act shall take effect and be in force from and after its
36 publication in the statute book.