

HOUSE BILL No. 2563

By Committee on Federal and State Affairs

2-4

1 AN ACT concerning cigarettes and tobacco products; increasing the
2 minimum age to purchase or possess such products; prohibiting
3 cigarette vending machines and self-service displays; amending K.S.A.
4 72-6285, 79-3301, 79-3302, 79-3303, 79-3304, 79-3309, 79-3316, 79-
5 3321, 79-3322, 79-3323, 79-3326, 79-3334, 79-3335, 79-3388, 79-
6 3391, 79-3394, 79-3396 and 79-3399 and K.S.A. 2019 Supp. 21-5102,
7 21-6109, 21-6110 and 50-6a14 and repealing the existing sections; also
8 repealing K.S.A. 79-3310c.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 2019 Supp. 21-5102 is hereby amended to read as
12 follows: 21-5102. A crime is an act or omission defined by law and for
13 which, upon conviction, a sentence of death, imprisonment or fine, or both
14 imprisonment and fine, is authorized or, in the case of a traffic infraction
15 or a cigarette or tobacco infraction, a fine is authorized. Crimes are
16 classified as felonies, misdemeanors, traffic infractions and cigarette or
17 tobacco infractions.

18 (a) A felony is a crime punishable by death or by imprisonment in
19 any state correctional institution or a crime which is defined as a felony by
20 law.

21 (b) A traffic infraction is a violation of any of the statutory provisions
22 listed in ~~subsection (e) of K.S.A. 8-2118(c)~~, and amendments thereto.

23 (c) A cigarette or tobacco infraction is a violation of K.S.A. 2019
24 Supp. 21-6109 through 21-6114 and 21-6116 ~~and subsection (m) or (n) of~~
25 ~~K.S.A. 79-3321~~, and amendments thereto.

26 (d) All other crimes are misdemeanors.

27 Sec. 2. K.S.A. 2019 Supp. 21-6109 is hereby amended to read as
28 follows: 21-6109. As used in K.S.A. 2019 Supp. 21-6109 through 21-6116,
29 and amendments thereto:

30 (a) "Access point" means the area within a ten foot radius outside of
31 any doorway, open window or air intake leading into a building or facility
32 that is not exempted pursuant to K.S.A. 2019 Supp. 21-6110(d), and
33 amendments thereto.

34 (b) "Bar" means any indoor area that is operated and licensed for the
35 sale and service of alcoholic beverages, including alcoholic liquor as
36 defined in K.S.A. 41-102, and amendments thereto, or cereal malt

1 provided therein and in K.S.A. 79-3324a, and amendments thereto. All
2 such cigarettes seized and forfeited shall be destroyed. Such cigarettes,
3 *electronic cigarettes, consumable material or tobacco products* shall be
4 deemed contraband whether the violation of this act is knowing or
5 otherwise.

6 Sec. 22. K.S.A. 79-3399 is hereby amended to read as follows: 79-
7 3399. (a) ~~On and after July 1, 2017,~~ A tax is hereby imposed upon the
8 privilege of selling or dealing in electronic cigarettes in this state by any
9 person engaged in business as a distributor thereof, at the rate of \$.05 per
10 milliliter of consumable material for electronic cigarettes and a
11 proportionate tax at the like rate on all fractional parts thereof. For
12 electronic cigarettes in the possession of retail dealers for which tax has
13 not been paid, tax shall be imposed under this subsection at the earliest
14 time the retail dealer: (1) Brings or causes to be brought into this state
15 from without the state electronic cigarettes for sale; (2) makes,
16 manufactures or fabricates electronic cigarettes in this state for sale in this
17 state; or (3) sells electronic cigarettes to consumers within this state.

18 (b) ~~"Consumable material" means any liquid solution or other~~
19 ~~material that is depleted as an electronic cigarette is used.~~

20 (e) ~~The secretary of revenue shall adopt rules and regulations to~~
21 ~~implement the provisions of this section.~~

22 ✓ Sec. 23. K.S.A. 72-6285, 79-3301, 79-3302, 79-3303, 79-3304, 79-
23 3309, 79-3310c, 79-3316, 79-3321, 79-3322, 79-3323, 79-3326, 79-3334,
24 79-3335, 79-3388, 79-3391, 79-3394, 79-3396 and 79-3399 and K.S.A.
25 2019 Supp. 21-5102, 21-6109, 21-6110 and 50-6a14 are hereby repealed.

26 Sec. 24. This act shall take effect and be in force from and after its
27 publication in the statute book.

New Sec. 23. (a) No city or county, or any subdivision thereof,
shall enact or enforce any ordinance, resolution or other
regulation conflicting with, or preempted by, any provision of
this act or with any policy of this state expressed by this act,
whether that policy be expressed by inclusion of a provision in
this act or by exclusion of that subject from this act.
(b) This section shall be a part of and supplemental to the
Kansas cigarette and tobacco products act.

And by renumbering sections accordingly