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MEMORANDUM

To: Chairman Barker and Members of the Committee on Federal and State Affairs
From: Office of Revisor of Statutes
Date: 2/22/2021
RE: House Bill 2340

HB 2340 would amend the Kansas Cigarette and Tobacco Products Act and the Clean Indoor Air Act to increase the minimum age from 18 to 21 years of age to purchase or possess cigarettes, electronic cigarettes, consumable materials, and tobacco products.

The bill adds the terms "electronic cigarette" and "consumable material" throughout the Cigarette and Tobacco Products Act. These amendments place electronic cigarettes and consumable materials under the same regulations in terms of sales and possession as cigarettes and other tobacco products. Under the Clean Indoor Air Act, the bill would also prohibit smoking of electronic cigarettes under the current Clean Indoor Air Act.

The bill would amend the education statute K.S.A. 72-6285, which currently prohibits the use of tobacco products in school buildings. The statute is amended to specify all four types of products regulated under the Act, so that each is specifically prohibited in public school buildings.

The bill would raise the minimum age to purchase or possess any type of tobacco from 18 to 21. This mirrors the recent federal legislation raising imposing the same age restriction. There are various amendments throughout the Act to change "18" to "21," and to change references to "minors" to persons under age 21.

The bill would allow the Department of Revenue to refuse to renew or issue a retail dealer's license to any person who is not of good character or has been convicted of a felony or

other certain crimes. Under current law, it is a class B person misdemeanor to sell or furnish cigarettes or tobacco products to persons under the age of 18 years of age or allow persons under the age of 18 years of age to purchase these products that is punishable with a fine of \$200. The bill would add electronic cigarettes and consumable materials to this misdemeanor and apply this fine to persons under 21 years of age.

The bill would change the requirements for controlled buys by the Department of Revenue to perform compliance checks of retailers to ensure compliance with the age requirements for the sale of tobacco products. Retail dealers would be subject to a minimum of two unannounced controlled buys per year to check compliance. If there was a compliance failure, then a subsequent controlled buy must occur within 90 days.