

## **Tobacco 21; HB 2269**

**HB 2269** amends the Kansas Cigarette and Tobacco Products Act (Act) to raise the minimum age to 21 to sell, purchase, or possess cigarettes, electronic cigarettes, or tobacco products.

### ***Licensing***

The bill amends a statute concerning licensing to raise the minimum age to receive a license governed by the Act to age 21.

The bill amends a related statute to require the Kansas Department of Revenue Director of Taxation (Director) to notify licensees who are not yet age 21 of the Director's intention to suspend or revoke such person's license due to them being under 21 years of age.

### ***Unlawful Acts and Related Penalties***

The bill amends the Act's unlawful act provisions concerning cigarettes, electronic cigarettes, or tobacco products. Specifically, the bill amends references to the minimum age in statutes concerning the following:

- Sale, furnishing, or distribution of cigarettes, electronic cigarettes, or tobacco products;
- Possession or attempt to possess such products;
- The age listed on required notice of the minimum age to be sold such products;
- Distribution of samples within 500 feet of a school when the facility is primarily used by persons under the minimum age;
- Distribution of samples in an area to which persons under the minimum age are allowed access; and
- Use of a self-service display in a facility where the retailer allows persons younger than the minimum age to be present or permitted to enter at any time.

### ***Criminal Penalty***

The bill amends provisions setting out criminal penalties for the unlawful acts of selling, giving, furnishing, or buying such cigarettes or tobacco products to reflect the raising of the minimum age from 18 to 21. The bill also makes related amendments to provisions concerning defenses to such offenses.

### *Civil Penalty*

The bill also amends provisions setting out civil penalties for unlawful acts related to selling, giving, furnishing, or buying cigarette or tobacco products for persons under the minimum age to reflect the raising of the minimum age from 18 to 21. The bill makes a related amendment to a provision specifying certain sale-avoidance training shall be a mitigating circumstance in determination of a fine by the Director.