

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 the state treasury to the credit of the state general fund.

2 Sec. 9. K.S.A. 79-3304 is hereby amended to read as follows: 79-
3 3304. (a) The license fee for each biennium, or portion thereof, shall be as
4 follows:

\$25

5 (1) For retail dealer's license, ~~\$25~~ \$100 for each dealer establishment.

6 (2) ~~For retailer's license on railroad or sleeping cars, \$50. Only one~~
7 ~~retail license need be obtained by each railroad or sleeping car company to~~
8 ~~permit the sale of cigarettes on any or all of its cars within the state.~~

9 (3) ~~For show, carnival or catering license, \$50 for each concession.~~

10 (4) ~~For resident retail dealer's temporary license for a place of~~
11 ~~business of a temporary nature, \$2 for each seven days or portion thereof.~~

12 (5) For wholesale dealer's license, \$50 for each dealer establishment.

13 No wholesale dealer's license shall be issued until the person applying
14 therefor has filed with the director a bond payable to the state of Kansas in
15 such an amount as shall be fixed by the director, but in no event less than
16 \$1,000, with a corporate surety authorized to do business in the state of
17 Kansas, and approved by the director. If a wholesale dealer is unable to
18 secure a corporate surety bond, the director may issue a license to such
19 wholesale dealer, upon the wholesale dealer furnishing a personal bond
20 meeting the approval of the director. Such bond shall be conditioned on the
21 wholesale dealer's compliance with all the provisions of this act during the
22 license period.

23 (6) ~~For vending machine distributor's license, \$50.~~

24 (7)(3) For manufacturer's salesperson license, \$20 for each
25 salesperson. The manufacturer's salesperson shall, with respect to each sale
26 made to a retail dealer, make and deliver to the retail dealer a true invoice
27 wherein such salesperson shall insert the name of the wholesale dealer
28 from whom such salesperson secured such cigarettes, together with such
29 salesperson's own name and the name of the retail dealer purchasing the
30 cigarettes.

31 (8) ~~For vending machine operator's license, no fee.~~

32 (9) ~~For vending machine permit, \$25 for each permit.~~

33 (b) ~~An application for any license required under the provisions of~~
34 ~~this act may be refused to: (1) A person who is not of good character and~~
35 ~~reputation in the community in which such person resides; or (2) a person~~
36 ~~who has been convicted of a felony or of any crime involving moral~~
37 ~~turpitude or of the violation of any law of any state or the United States~~
38 ~~pertaining to cigarettes or tobacco products and who has not completed the~~
39 ~~sentence, parole, probation or assignment to a community correctional~~
40 ~~services program imposed for any such conviction within two years~~
41 ~~immediately preceding the date of making application for any of such~~
42 ~~licenses.~~

43 (e) The director may refuse to issue or renew a license to any person