

## HB 2269—Brief

HB 2269 amends five sections of the Kansas Cigarette and Tobacco Products Act to raise the minimum age from 18 to 21 years for the purchase, sale or possession of cigarettes or tobacco products.

The bill: raises the minimum age from 18 to 21 years of age for the licensure of a person for retail sales or other types of licenses. See Sections 1 and 2. It makes it unlawful to sell, furnish or distribute cigarettes, electronic cigarettes or tobacco products to a person under 21 years of age or to possess such products by a person under 21 years of age, or to fail to post appropriate signage or to distribute samples in certain areas and vending machines location in Section 3. Criminal penalties for violations of Section 3 are contained in Section 4. Civil penalties are dealt with in Section 5.

The Kansas Supreme Court upheld a Topeka ordinance raising the minimum legal age for purchase, sale and possession of cigarettes, electronic cigarettes and tobacco products from 18 to 21 years of age. See *DWAGFYS Mfg. Inc v City of Topeka*, 309 Kan. 1336 (2019). The Court found that under home rule power, a city could pass an ordinance that was more stringent than state law without creating a conflict.

A fair number of cities and counties, 25 or more, have raised the cigarette purchase, sale and possession minimum age to 21 years of age.

Mike Heim

Revisor of Statutes Office