

HOUSE BILL No. 2340

By Committee on Federal and State Affairs

2-15

1 AN ACT concerning smoking; amending K.S.A. 2010 Supp. 21-4010 and
2 repealing the existing section.

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

5 Section 1. K.S.A. 2010 Supp. 21-4010 is hereby amended to read as
6 follows: 21-4010. (a) No person shall smoke in an enclosed area or at a
7 public meeting including, but not limited to:

8 (1) Public places;

9 (2) taxicabs and limousines;

10 (3) restrooms, lobbies, hallways and other common areas in public
11 and private buildings, condominiums and other multiple-residential
12 facilities;

13 (4) restrooms, lobbies and other common areas in hotels and motels
14 and in at least 80% of the sleeping quarters within a hotel or motel that
15 may be rented to guests;

16 (5) access points of all buildings and facilities not exempted
17 pursuant to subsection (d); and

18 (6) any place of employment.

19 (b) Each employer having a place of employment that is an enclosed
20 area shall provide a smoke-free workplace for all employees. Such
21 employer shall also adopt and maintain a written smoking policy which
22 shall prohibit smoking without exception in all areas of the place of
23 employment. Such policy shall be communicated to all current employees
24 within one week of its adoption and shall be communicated to all new
25 employees upon hiring. Each employer shall provide a written copy of
26 the smoking policy upon request to any current or prospective employee.

27 (c) Notwithstanding any other provision of this section, K.S.A. 21-
28 4011 or 21-4012, and amendments thereto, the proprietor or other person
29 in charge of an adult care home, as defined in K.S.A. 39-923, and
30 amendments thereto, or a medical care facility, may designate a portion of
31 such adult care home, or the licensed long-term care unit of such medical
32 care facility, as a smoking area, and smoking may be permitted within
33 such designated smoking area.

34 (d) The provisions of this section shall not apply to:

35 (1) The outdoor areas of any building or facility beyond the access
36 points of such building or facility;

1 (2) private homes or residences, except when such home or
2 residence is used as a day care home, as defined in K.S.A. 65-530, and
3 amendments thereto;

4 (3) a hotel or motel room rented to one or more guests if the total
5 percentage of such hotel or motel rooms in such hotel or motel does not
6 exceed 20%;

7 (4) the gaming floor of a lottery gaming facility or racetrack gaming
8 facility, as those terms are defined in K.S.A. 74-8702, and amendments
9 thereto;

10 (5) *a bar which is authorized to sell lottery tickets under the Kansas*
11 *lottery act, and amendments thereto;*

12 ~~(5)~~ (6) that portion of an adult care home, as defined in K.S.A. 39-
13 923, and amendments thereto, that is expressly designated as a smoking
14 area by the proprietor or other person in charge of such adult care home
15 pursuant to subsection (c) and that is fully enclosed and ventilated;

16 ~~(6)~~ (7) that portion of a licensed long-term care unit of a medical
17 care facility that is expressly designated as a smoking area by the
18 proprietor or other person in charge of such medical care facility pursuant
19 to subsection (c) and that is fully enclosed and ventilated and to which
20 access is restricted to the residents and their guests;

21 ~~(7)~~ (8) tobacco shops;

22 ~~(8)~~ (9) a class A or class B club defined in K.S.A. 41-2601, and
23 amendments thereto, which: (A) Held a license pursuant to K.S.A. 41-
24 2606 et seq., and amendments thereto, as of January 1, 2009; and (B)
25 notifies the secretary of health and environment in writing, not later than
26 90 days after the effective date of this act, that it wishes to continue to
27 allow smoking on its premises; and

28 ~~(9)~~ (10) a private club in designated areas where minors are
29 prohibited.

30 Sec. 2. K.S.A. 2010 Supp. 21-4010 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.

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