

SESSION OF 2020

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2450

As Amended by House Committee on Judiciary

Brief*

HB 2450 would amend the Kansas Clean Indoor Air Act, which generally prohibits smoking in an enclosed area or at a public meeting, to add “use of an electronic cigarette” to the definition of smoking. The bill also would add to the Act a definition of “electronic cigarette,” referencing its definition from the statutes regulating tobacco as follows: “a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.”

The bill also would amend the definition of “tobacco shop” in the Act to add electronic cigarettes or e-liquids to the list of items sold to fall within the definition and to add tobacco products, smoking devices or accessories, and electronic cigarettes or e-liquids to the list of items that may be sold to meet the gross receipts requirement of the definition. The bill would define “e-liquid” to mean a substance that may or may not contain nicotine and is intended to be aerosolized or vaporized and inhaled using an electronic cigarette.

Background

The bill was introduced by the House Committee on Judiciary at the request of the Office of the Attorney General.

In the House Committee hearing, the Attorney General and a representative of the Kansas Association of School

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Boards testified in support of the bill, stating it would bring vaping under the state's current smoking ban statute. Representatives of the American Heart Association; American Lung Association in Kansas and Greater Kansas City; Kansas Chapter, American Academy of Pediatrics; and Kansas Hospital Association submitted written-only proponent testimony.

A representative of the American Cancer Society Cancer Action Network testified as a neutral conferee, requesting the definitions contained in the bill be broadened.

No opponent testimony was provided.

The House Committee amended the bill to amend the definition of "tobacco shop" and add a definition for "e-liquid."

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Health and Environment states the fiscal effect of enactment of the bill would be negligible. Necessary changes to implement the bill could be accomplished within existing resources.