

KANSAS OFFICE of  
**REVISOR of STATUTES**

LEGISLATURE of THE STATE of KANSAS  
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**MEMORANDUM**

To: House Committee on Federal and State Affairs

From: Mike Heim, Revisor of Statutes Office

Date: Feb. 20, 2024

Subject: HB 2801

Summary

HB 2801 provides that from and after October 1, 2024, and annually thereafter, every manufacturer of consumable material and electronic cigarettes that are sold in this state, whether directly or through a distributor, wholesaler, retailer or similar intermediary or intermediaries, shall certify under penalty of perjury that the manufacturer agrees to comply with this law.

(1) The manufacturer shall have received a marketing authorization or similar order for the consumable material or electronic cigarette from the United States food and drug administration;

or

(2) the consumable material or electronic cigarette was marketed in the United States as of August 8, 2016, the manufacturer submitted a premarket tobacco product application for the consumable material or electronic cigarette to the United States food and drug administration on or before September 9, 2020.

A manufacturer is required to submit a certification form that separately lists each consumable material and electronic cigarette that the manufacturer sells in this state.

Each annual certification form shall be accompanied by :

(1) a copy of the marketing authorization or other order for the consumable material or electronic cigarette issued by the United States food and drug administration that the premarket tobacco product application for the consumable material or electronic cigarette was submitted to the United States food and drug administration, accepted for filing and a final authorization or order has not yet taken effect; and

(2) payment of \$250 for each consumable material or electronic cigarette certification form submitted for the first time and a payment of \$100 annually thereafter for each consumable material or electronic cigarette.

On and after November 1, 2024, the director shall maintain and make publicly available on the department of revenue's website a directory that lists all consumable material and electronic cigarette manufacturers and consumable material and electronic cigarettes for which certification forms have been submitted and update the directory at least monthly.

The bill provides for both civil and criminal violations of the act.