

HOUSE BILL No. 2622

By Representatives Donohoe, Buehler, Carlin, Carr, Highberger, Howe, Humphries, Lewis, Minnix, Neelly, Pickert, S. Ruiz, Schlingensiepen, Seiwert and Waggoner

1-30

1 AN ACT amending the Kansas indoor clean air act; prohibiting smoking
2 on the gaming floor of a lottery gaming facility or racetrack gaming
3 facility; amending K.S.A. 21-6110 and repealing the existing section.
4

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

6 Section 1. K.S.A. 21-6110 is hereby amended to read as follows: 21-
7 6110. (a) It shall be unlawful, with no requirement of a culpable mental
8 state, to smoke in an enclosed area or at a public meeting including, but
9 not limited to:

10 (1) Public places;

11 (2) taxicabs and limousines;

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

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

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

20 (6) any place of employment.

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

29 (c) Notwithstanding any other provision of this section, K.S.A. 21-
30 6111 or 21-6112, and amendments thereto, the proprietor or other person
31 in charge of an adult care home, as defined in K.S.A. 39-923, and
32 amendments thereto, or a medical care facility, may designate a portion of
33 such adult care home, or the licensed long-term care unit of such medical
34 care facility, as a smoking area, and smoking may be permitted within such

1 designated smoking area.

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

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

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

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

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

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

18 ~~(6)~~(5) that portion of a licensed long-term care unit of a medical care
19 facility that is expressly designated as a smoking area by the proprietor or
20 other person in charge of such medical care facility pursuant to subsection
21 (c) and that is fully enclosed and ventilated and to which access is
22 restricted to the residents and their guests;

23 ~~(7)~~(6) tobacco shops;

24 ~~(8)~~(7) a class A or class B club defined in K.S.A. 41-2601, and
25 amendments thereto, which: (A) Held a license pursuant to K.S.A. 41-
26 2606 et seq., and amendments thereto, as of January 1, 2009; and (B)
27 notifies the secretary of health and environment in writing, not later than
28 90 days after the effective date of this act, that it wishes to continue to
29 allow smoking on its premises;

30 ~~(9)~~(8) a private club in designated areas where minors are prohibited;

31 ~~(10)~~(9) any benefit cigar dinner or other cigar dinner of a
32 substantially similar nature that:

33 (A) Is conducted specifically and exclusively for charitable purposes
34 by a nonprofit organization which is exempt from federal income taxation
35 pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

36 (B) is conducted no more than once per calendar year by such
37 organization; and

38 (C) has been held during each of the previous three years prior to
39 January 1, 2011; and

40 ~~(11)~~(10) that portion of a medical or clinical research facility
41 constituting a separately ventilated, secure smoking room dedicated and
42 used solely and exclusively for clinical research activities conducted in
43 accordance with regulatory authority of the United States or the state of

1 Kansas, as determined by the director of alcoholic beverage control of the
2 department of revenue.

3 Sec. 2. K.S.A. 21-6110 is hereby repealed.

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