

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2447**

As Amended by House Committee on  
Commerce, Labor and Economic Development

**Brief\***

HB 2447, as amended, would prohibit cities, counties, and unified city-county governments from prohibiting the sale of any product or service that is otherwise permitted under state law.

The prohibition would not apply to:

- Setting reasonable standards for the regulation of alcohol possession;
- Regulating consumer merchandise to the extent necessary to comply with local building or fire codes; or
- Requiring the licensing or permitting of any business entity.

This prohibition could not be construed to prohibit or restrict zoning authority.

**Background**

The bill was introduced by the House Committee on Federal and State Affairs at the request of a representative of the Kansas Chamber of Commerce. The bill was referred to the House Committee on Commerce, Labor and Economic Development on March 7, 2023.

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\*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>

### ***House Committee on Commerce, Labor and Economic Development***

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas Chamber of Commerce, Kansas Retail Council, and Petland West Wichita. The proponents generally stated local limitations on sales create disuniform business conditions across the state, which can result in lower overall economic growth.

Written-only proponent testimony was provided by the National Federation of Independent Business-Kansas.

**Opponent** testimony was provided by representatives of the American Heart Association, Kansas Association of Counties, Kansas County Commissioners Association, Kansas Pet Protection Coalition, Kansas Sierra Club, League of Kansas Municipalities, and Prairie Paws Animal Shelter. Opponents generally stated the bill would impede upon local control and prevent local solutions to local problems.

Written-only opponent testimony was provided by representatives of the American Cancer Society, Tobacco Free Kansas Coalition, several cities and counties, and a private citizen.

The House Committee amended the bill to exclude sales of services from the prohibition and to otherwise limit the prohibition as it relates to sales of products.

### **Fiscal Information**

According to the revised fiscal note prepared by the Division of the Budget on the bill, as introduced, the bill would have no state fiscal effect. The Kansas Association of Counties indicates the bill would have no fiscal effect on counties. The League of Kansas Municipalities indicates the bill would have an indeterminate negative fiscal effect on cities.

Municipalities; preemption; sales