

SESSION OF 2010

**SUPPLEMENTAL NOTE ON HOUSE  
SUBSTITUTE FOR SENATE BILL NO. 342**

As Recommended by House Committee on  
Federal and State Affairs

**Brief\***

House Sub. for SB 342 would create the Kansas Indoor Clean Air Act effective January 2, 2011.

The bill would revive KSA 21-3105, 21- 4009, 21- 4010, 21- 4011, 21-4012 and 65-530 as they currently exist in statute. These statutes were repealed and amended in HB 2221 and signed into law by the Governor on March 12, 2010. Effective January 2, 2011, House Sub. for SB 342 would amend the revived sections. The amendments contained in HB 2221 were to become effective on July 1, 2010.

Effective January 2, 2011, the bill would prohibit smoking in an enclosed area or at a public meeting which would include:

- Public places;
- Taxicabs and limousines;
- Restrooms, lobbies, hallways in public and private buildings, condominiums and other multiple-residential facilities,
- Restrooms, lobbies, and other common areas in hotels and motels, and in at least 80 percent of the sleeping quarters;
- Access points of buildings and facilities not exempted under the bill (access points would be defined as the area

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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>

within a ten-foot radius outside of any doorway, open window, or air intake leading into a building or facility except for bars as defined in the act and for any Class A or Class B club where the radius would be three feet); and

- Any place of employment (employers having a place of employment that has an enclosed area would have to provide a smoke-free workplace for all employees).

The following would be exempt from the prohibitions:

- Adult care homes or medical care facilities that designate a portion of such facility as a smoking area which is fully enclosed and ventilated;
- Outdoor areas of any building or facility beyond the access points;
- Private homes or residences except where the facility is used as a daycare home;
- A hotel or motel room if the total percentage of such room does not exceed 20 percent;
- The gaming floor of a lottery gaming facility or racetrack gaming facility;
- Tobacco shops;
- A Class A or B club if such club notifies the Secretary of Health and Environment that it wishes to continue to allow smoking;
- A private club;
- Any benefit cigar dinner or other smoking events conducted for charitable purposes by a 501(c)(3) organization; and

- A bar which would be defined as any indoor place which has a liquor license, sells lottery tickets, and which receives less than 30 percent of its gross receipts from the sale of food.

Under the bill, violation of the Kansas Indoor Clean Air Act would constitute a cigarette or tobacco infraction punishable by one of the following maximum fines:

- \$100 for the first offense;
- \$200 for the second offense; and
- \$500 for the third and subsequent violations.

### **Background**

The provisions of SB 342 were deleted, and the provisions of HB 2741 were inserted. SB 342, as introduced, would have prohibited the sale of novelty cigarette lighters.

Proponents of HB 2741 included Representative Landwehr and a representative from Swisher International. Written testimony in support of the bill was submitted by three individuals. Opponents included representatives of the American Cancer Society and the Tobacco Free Coalition. Neutral testimony was provided by a representative from the Kansas Restaurant and Hospitality Association.

The fiscal note was not available at the time the bill was passed out of the Committee.