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On behalf of the Office of the Kansas Attorney General
Senate Committee on Federal and State Affairs
Proponent Testimony for SB 355
Tuesday, January 27, 2026

Chairman Thompson and Members of the Committee:

Thank you for the opportunity to provide testimony today in strong support of Senate Bill 355, which amends the Kansas Cigarette and Tobacco Products Act to enhance regulation of electronic cigarettes and related products. As the chief law enforcement officer of our state, my office is deeply committed to protecting Kansas consumers, upholding public health, and ensuring fair and lawful commerce. This legislation aligns directly with those priorities by closing regulatory gaps, strengthening enforcement mechanisms, and safeguarding our communities—particularly our youth—from the harms associated with unregulated tobacco and nicotine products.

Just two weeks ago, on January 9, my office issued a consumer alert warning Kansans about dangerous "smart vapes" imported from China that are specifically designed to target and addict children. These devices disguise vaping as smart gadgets, allowing access to games, social media, Bluetooth, music, and more. They gamify nicotine addiction by rewarding users for the highest number of puffs. Protecting Kansas kids from harmful products is one of my highest priorities as Attorney General, and these devices are designed to entice kids.

Over 90% of disposable vaping devices on the market originate from China and remain largely unregulated, with the FDA approving only a small fraction of products. My consumer alert underscores the urgent need for action, as these products not only pose severe health risks—such as exposure to cancer-causing substances like lead and nickel, or lung illnesses from ingredients like vitamin E acetate—but also introduce privacy and security threats through Wi-Fi and Bluetooth connectivity, potentially leading to data breaches and malware.

Senate Bill 355 introduces critical updates to our existing framework under Kansas statute. Key provisions include requiring licensure for electronic cigarette manufacturers, mandating that all wholesale transactions of cigarettes, electronic cigarettes, smokeless tobacco, and roll-your-own tobacco occur exclusively between licensed entities, and expanding definitions and oversight to encompass electronic cigarettes more comprehensively.

It also reinforces requirements for age verification, reporting, and compliance in online and mail-order sales, while imposing appropriate penalties for violations. From the perspective of the Office of the Kansas Attorney General, this bill is essential for several reasons.

First, it bolsters public health protections. Electronic cigarettes, or e-cigarettes, have surged in popularity, particularly among young people, due to aggressive marketing and flavored products that appeal to minors. The Centers for Disease Control and Prevention have documented alarming rates of youth vaping nationwide, and Kansas is not immune. The recent emergence of "smart vapes" exacerbates this crisis by concealing their true purpose from parents and educators, while embedding addictive features that increase puff counts and nicotine dependency year over year. By requiring manufacturers to obtain a \$500 license, post a surety bond, and comply with stringent application processes—including appointing an agent for service of process for out-of-state entities—SB 355 ensures accountability and traceability in the supply chain. This will help prevent the influx of unverified or substandard products, like those highlighted in our consumer alert, that could worsen health risks such as nicotine addiction, respiratory issues, and exposure to harmful contaminants.

Second, the bill enhances consumer protection and combats illegal sales. Current law has loopholes that allow unlicensed entities to distribute electronic cigarettes without oversight, facilitating black-market activities, tax evasion, and sales to underage individuals. SB 355 addresses this by prohibiting transactions outside of licensed channels and mandating robust age verification for remote sales, including certifications, database checks, and government-issued ID verification. These measures will deter predatory practices like shipping disguised "smart vapes" to minors or evading state taxes, while also mitigating the privacy risks from unregulated devices that collect personal data without safeguards. Moreover, the requirement for clear labeling on packages and annual reporting of sales to Kansas consumers (without tax indicia) empowers my office and the Department of Revenue to monitor compliance and pursue violators more effectively. Penalties outlined in the bill—ranging from misdemeanors to felonies with fines up to \$100,000 for repeat offenses—provide a strong deterrent, aligning with our enforcement efforts under existing statutes.

Third, SB 355 promotes fair business practices and protects state revenue. By mandating that all distributors, wholesalers, and retailers verify licenses before transactions, the bill levels the playing field for compliant businesses while cracking down on those operating in the shadows. This is particularly important for tax collection: Unlicensed sales often bypass cigarette taxes, costing Kansas millions in lost revenue that could fund essential services. The bill's provisions for publishing active, suspended, and revoked licenses will increase transparency, aiding both businesses and regulators in maintaining integrity in the marketplace.

In my role as Attorney General, I have seen firsthand the challenges of enforcing laws in an evolving landscape dominated by online sales and innovative nicotine delivery systems like "smart vapes." SB 355 equips us with the tools needed to adapt—authorizing referrals to prosecutors, appointing special prosecutors from the Department of Revenue, and covering associated expenses for complex cases.

Senate Bill 355 is a proactive, commonsense measure that strengthens Kansas's regulatory framework without imposing undue burdens on legitimate businesses. It protects our youth, upholds the rule of law, and safeguards public health and fiscal interests—directly addressing the threats outlined in our recent consumer alert. I urge the Committee to advance this legislation favorably and pass it into law.

Thank you for your time and consideration.