

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2690

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2690 would amend the Kansas Indoor Clean Air Act as related to certain premises. The bill would add a definition of "private business" to mean any business where one or more persons are employed or engaged in the purchase, sale, provision or manufacturing of commodities, products or services, whether for-profit or not-for-profit, and which is not owned or controlled by any state or local governmental entity.

An exception to the Kansas Indoor Clean Air Act would be included in the bill to permit smoking in any private business if the proprietor or person in charge of the private business:

- Employs and serves only persons 21 years of age or older;
- Posts signs in a conspicuous place at each entrance that state no person under the age of 21 will be admitted;
- Posts signs in a conspicuous place at each entrance that state that the private business permits smoking on the premises only for persons 21 years of age or older;
- Posts in a conspicuous place at each exit the phone number the Kansas quit line signs (hotline to smoking cessation assistance); and

*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>

- Posts all required signs at eye level and no smaller than 12 inches by 12 inches in size.

Background

Proponents for HB 2690 included Representative Randy Garber and Sheila Martin, a private business owner. Written only testimony in favor of the bill was submitted by two representatives of industry groups, the Kansas Licensed Beverage Association and the Kansas Entertainment, LLC, and a representative of Kansas for Prosperity.

Neutral testimony was present by a representative of the Kansas Health Institute.

Opponents included a representative of the Kansas Restaurant and Hospitality Association, two medical doctors, and representatives of the Tobacco Free Kansas Coalition and the American Cancer Society. Written only testimony opposing the bill was submitted by representatives of Oral Health Kansas, American Health Association, Kansas Public Health Association, American Lung Association of the Plains Gulf Region, the Kansas Academy of Family Physicians, Tobacco Free Wichita Coalition, Tobacco Free Wichita, a medical doctor, and two other individuals.

The fiscal note indicated the Kansas Department of Health and Environment reported that passage of the bill could increase expenditures by up to \$7,051 from the State General Fund to produce and mail the required signs to the 1,700 drinking establishments that might choose to allow smoking on their premises. The League of Kansas Municipalities stated that passage of the bill would result in the need for additional enforcement activity by police and code enforcement officials. In the event of violations of the bill. Cities may also have additional costs for the salaries of police investigators, prosecuting attorneys, and court personnel.