

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2739

By Committee on Health and Human Services

1-26

10 AN ACT concerning crimes and punishments; relating to tobacco use in
11 medical care facility buildings and property; amending K.S.A. 21-4017
12 and repealing the existing section.
13

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

15 Section 1. K.S.A. 21-4017 is hereby amended to read as follows: 21-
16 4017. (a) As used in this section:

17 ~~(1)~~ “Medical care facility” means a general hospital, special hospital,
18 ambulatory surgery center or recuperation center, as defined by K.S.A.
19 65-425 and amendments thereto, and any psychiatric hospital licensed
20 under K.S.A. 75-3307b and amendments thereto; ~~and.~~

21 ~~(2)~~ “Smoking” means possession of a lighted cigarette, cigar, pipe or
22 burning tobacco in any other form or device designed for the use of
23 tobacco.

24 ~~(b) On and after July 1, 1994, smoking~~ *The use of tobacco* in a medical
25 care facility ~~building or on medical care facility property~~ is hereby pro-
26 hibited except that ~~a smoking~~ *an area* may be established ~~within~~ *for res-*
27 *idents* of a licensed long-term care unit of a medical care facility ~~for to-~~
28 ~~bacco use~~ if such ~~smoking~~ *area* is well-ventilated. ~~On and after July 1,~~
29 ~~1994,~~ The chief administrative officer of each medical care facility shall
30 cause to be posted in conspicuous places signs stating that ~~smoking in the~~
31 ~~medical care facility~~ *tobacco use in medical care facility buildings and on*
32 *medical care facility property* is prohibited by state law. ~~On or before~~
33 ~~January 1, 2007,~~ ~~such~~ **each chief administrative officer** ~~officers~~ **officer** shall
34 *adopt policies and procedures which describe the medical care facility*
35 *buildings and property and how the prohibition shall be implemented at*
36 *such facility.*

37 (c) Any person found guilty of ~~smoking in violation of~~ *violating* sub-
38 section (b) of this section is guilty of a misdemeanor punishable by a fine
39 of not more than \$20 for each violation. Any person found guilty of failing
40 to post signs as required by subsection (b) of this section, is guilty of a
41 misdemeanor punishable by a fine of not more than \$50. In addition, the
42 department of health and environment, or local department of health,
43 may institute an action in any court of competent jurisdiction to enjoin

- 1 repeated violations of subsection (b) of this section.
- 2 Sec. 2. K.S.A. 21-4017 is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after Jan-
- 4 uary 1, 2007, and its publication in the statute book.