

## HOUSE BILL No. 2243

By Committee on Health and Human Services

1-26

9 AN ACT concerning crimes and punishments; relating to the use of to-  
10 bacco in a medical care facility and on medical facility property;  
11 amending K.S.A. 21-4017 and repealing the existing section.  
12

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

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

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

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

23 (b) ~~On and after July 1, 1994, smoking~~ *The use of tobacco* in a medical  
24 care facility *building or on medical care facility property* is hereby pro-  
25 hibited except that ~~a smoking~~ *an area* may be established within *a medical*  
26 *care facility building for residents of* a licensed long-term care unit of ~~a~~  
27 ~~medical care~~ *such facility for tobacco use* if such ~~smoking~~ *area* is well-  
28 ventilated. ~~On and after July 1, 1994,~~ The chief administrative officer of  
29 each medical care facility shall cause to be posted in conspicuous places  
30 signs stating that ~~smoking in the medical care facility~~ *tobacco use in med-*  
31 *ical care facility buildings and on medical care facility property* is pro-  
32 hibited by state law. *On or before January 1, 2008, each chief adminis-*  
33 *trative officer shall adopt policies and procedures which describe the*  
34 *medical care facility buildings and property and how the prohibition shall*  
35 *be implemented at such facility.*

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

- 1     Sec. 2.   K.S.A. 21-4017 is hereby repealed.
- 2     Sec. 3.   This act shall take effect and be in force from and after its
- 3     publication in the statute book.