

Kiegerl

House Federal & State Affairs

Date: 5-1-12

Attachment # 2

HOUSE BILL No. 2690

By Representatives Garber, Arpke, Donohoe, Goodman, Landwehr, LeDoux, O'Brien, O'Hara, Peck, Rubin, Schwab, Seiwert and Suellentrop

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1 AN ACT concerning the Kansas indoor clean air act; relating to smoking
2 on certain premises; amending K.S.A. 2011 Supp. 21-6109 and 21-
3 6110 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2011 Supp. 21-6109 is hereby amended to read as
7 follows: 21-6109. As used in K.S.A. 2011 Supp. 21-6109 through 21-6116,
8 and amendments thereto:

9 (a) "Access point" means the area within a ten foot radius outside of
10 any doorway, open window or air intake leading into a building or facility
11 that is not exempted pursuant to subsection (d) of K.S.A. 2011 Supp. 21-
12 6110, and amendments thereto.

13 (b) "Bar" means any indoor area that is operated and licensed for the
14 sale and service of alcoholic beverages, including alcoholic liquor as
15 defined in K.S.A. 41-102, and amendments thereto, or cereal malt
16 beverages as defined in K.S.A. 41-2701, and amendments thereto, for on-
17 premises consumption.

18 (c) "Employee" means any person who is employed by an employer
19 in consideration for direct or indirect monetary wages or profit, and any
20 person who volunteers their services for a nonprofit entity.

21 (d) "Employer" means any person, partnership, corporation,
22 association or organization, including municipal or nonprofit entities,
23 which employs one or more individual persons.

24 (e) "Enclosed area" means all space between a floor and ceiling
25 which is enclosed on all sides by solid walls, windows or doorways which
26 extend from the floor to the ceiling, including all space therein screened by
27 partitions which do not extend to the ceiling or are not solid or similar
28 structures. For purposes of this section, the following shall not be
29 considered an "enclosed area": (1) Rooms or areas, enclosed by walls,
30 windows or doorways, having neither a ceiling nor a roof and which are
31 completely open to the elements and weather at all times; and (2) rooms or
32 areas, enclosed by walls, fences, windows or doorways and a roof or
33 ceiling, having openings that are permanently open to the elements and
34 weather and which comprise an area that is at least 30% of the total
35 perimeter wall area of such room or area.

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1 ~~(5)~~ (6) that portion of an adult care home, as defined in K.S.A. 39-
2 923, and amendments thereto, that is expressly designated as a smoking
3 area by the proprietor or other person in charge of such adult care home
4 pursuant to subsection (c) and that is fully enclosed and ventilated;

5 ~~(6)~~ (7) that portion of a licensed long-term care unit of a medical care
6 facility that is expressly designated as a smoking area by the proprietor or
7 other person in charge of such medical care facility pursuant to subsection
8 (c) and that is fully enclosed and ventilated and to which access is
9 restricted to the residents and their guests;

10 ~~(7)~~ (8) tobacco shops;

11 ~~(8)~~ (9) a class A or class B club defined in K.S.A. 41-2601, and
12 amendments thereto, which (A) held a license pursuant to K.S.A. 41-2606
13 *et seq.*, and amendments thereto, as of January 1, 2009; and (B) notifies
14 the secretary of health and environment in writing, not later than 90 days
15 after the effective date of this act, that it wishes to continue to allow
16 smoking on its premises;

17 ~~(9)~~ (10) a private club in designated areas where minors are
18 prohibited; and

Strike "and"

19 ~~(10)~~ (11) any benefit cigar dinner or other cigar dinner of a
20 substantially similar nature that:

21 (A) Is conducted specifically and exclusively for charitable purposes
22 by a nonprofit organization which is exempt from federal income taxation
23 pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

24 (B) is conducted no more than once per calendar year by such
25 organization; and

26 (C) has been held during each of the previous three years prior to
27 January 1, 2011.

Strike the period and insert:
"; and
(12) that portion of a food service establishment that is
expressly designated as a smoking area by the establishment.
Such designated smoking area shall be in a separate room with a
separate heating, ventilation and air conditioning system.

28 Sec. 3. K.S.A. 2011 Supp. 21-6109 and 21-6110 are hereby repealed.

29 Sec. 4. This act shall take effect and be in force from and after its
30 publication in the statute book.

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