

SESSION OF 2008

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 660**

As Amended by Senate Committee on  
Ways and Means

**Brief\***

SB 660, as amended by the Senate Committee, would prohibit smoking in an enclosed area or at a public meeting, including, but not limited to: public places; taxicabs and limousines; restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums, and other multiple-residential facilities; restrooms, lobbies, and other common areas in hotels and motels, and in at least 80 percent of the sleeping quarters within a hotel or motel that may be rented to guests; within ten feet of entryways of all buildings and facilities; and any place of employment. Private residences would not be subject to the ban unless the private residence serves as a day care.

As amended, the bill includes the following exemptions: the main gaming floor of a lottery gaming facility which is located in the southeast Kansas gaming zone; the Kansas Veterans' Home; the Kansas Soldiers' Home; that portion of an adult care home expressly designated as a smoking area by the proprietor or other person in charge of the adult care home; tobacco shops; and commercial motor vehicles.

The bill would require signs displaying the international "no smoking" symbol with a statement that smoking is prohibited by law be posted in conspicuous places by the proprietor or person in charge of the premises. It would be illegal for a business owner, manager, or operator to fail to comply with the requirements of the bill or to allow smoking to occur where it is prohibited.

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\*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>

The bill also would increase the fines for a violation of smoking laws. Under current law, any person found guilty of a smoking violation is required to pay a fine of not more than \$20 for each violation, and any person found guilty of failure to post signs as required by law is required to pay a fine of not more than \$50. The bill would require the fines for smoking violations to be: not more than \$100 for the first violation within a one-year period; not more than \$200 for second violation within a one-year period; and not more than \$500 for a third or subsequent violation within a one-year period. The number of violations within a one-year period would be measured by the date the violations occur. Each individual allowed to smoke by a person who owns, manages, or operates an area where smoking is prohibited would be considered a separate violation for purposes of determining the number of violations.

The bill also would allow any day care home owner who is found guilty of a smoking violation to be subject to criminal punishment in addition to any civil fine that may be assessed by the Secretary of Health and Environment.

## **Background**

Proponents appearing in support of the bill included Senator Marci Francisco and two physicians from the University of Kansas Cancer Center. Written testimony in support of the bill was submitted by a number of individuals and organizations.

Those appearing in opposition to the bill included representatives of the Kansas Restaurant and Hospitality Association; Reynolds American, Inc.; Flint Oak, LLC; Penn National Gaming, Inc.; Americans for Prosperity Kansas; the Kansas City Business Rights Coalition; two tobacco shop owners and a private citizen. Written testimony in opposition to the bill was submitted by a number of individuals and organizations.

A representative of the Department on Aging provided neutral testimony on the bill, asking that an exemption be provided to exempt adult care homes from the bill.

The Senate Committee amended the bill to exempt: the main gaming floor of a lottery gaming facility which is located in the southeast Kansas gaming zone; the Kansas Veterans' Home; the Kansas Soldiers' Home; that portion of an adult care home expressly designated as a smoking area by the proprietor or other person in charge of the adult care home; tobacco shops; and commercial motor vehicles.

The fiscal note submitted by the Division of the Budget indicated that the bill would have no fiscal impact.