

**HOUSE BILL No. 2199**

By Representatives Rubin, Alford, Boldra, Bradford, Brunk, Campbell, Carlson,  
Carpenter, Cassidy, Christmann, Cleys, Corbel, Couture-Lovelady, Crum,  
DeGraaf, Edwards, Esau, Garber, Goico, Gonzalez, Grosserode, Hedke,  
Henry, Hermanson, Highland, Hildebrand, Hoffman, House, Howell, Huebert,  
Jones, Kelley, Macbeers, Mast, McPherson, Montgomery, O'Brien, Osterman,  
Pauls, Peck, Petty, Read, Rothlisberg, Ryckman Sr., Sawyer, Schwab, Sutton, Todd,  
Waymaster and Whipple

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1 AN ACT enacting the second amendment protection act.

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

4 Section 1. Sections 1 through 11, and amendments thereto, may be  
5 cited as the second amendment protection act.

6 Sec. 2. The legislature declares that the authority for sections 1  
7 through 11, and amendments thereto, is the following:

8 (a) The tenth amendment to the constitution of the United States  
9 guarantees to the states and their people all powers not granted to the  
10 federal government elsewhere in the constitution and reserves to the state  
11 and people of Kansas certain powers as they were understood at the time  
12 that Kansas was admitted to statehood in 1861. The guaranty of those  
13 powers is a matter of contract between the state and people of Kansas and  
14 the United States as of the time that the compact with the United States  
15 was agreed upon and adopted by Kansas in 1859 and the United States in  
16 1861.

17 (b) The ninth amendment to the constitution of the United States  
18 guarantees to the people rights not granted in the constitution and reserves  
19 to the people of Kansas certain rights as they were understood at the time  
20 that Kansas was admitted to statehood in 1861. The guaranty of those  
21 rights is a matter of contract between the state and people of Kansas and  
22 the United States as of the time that the compact with the United States  
23 was agreed upon and adopted by Kansas in 1859 and the United States in  
24 1861.

25 (c) The second amendment to the constitution of the United States  
26 reserves to the people, individually, the right to keep and bear arms as that  
27 right was understood at the time that Kansas was admitted to statehood in  
28 1861, and the guaranty of that right is a matter of contract between the  
29 state and people of Kansas and the United States as of the time that the  
30 compact with the United States was agreed upon and adopted by Kansas in

Balloon #1 for HB 2199  
Prepared by Jason Long  
Office of the Revisor of Statutes  
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1859 and the United States in 1861.

(d) Section 4 of the bill of rights of the constitution of the state of Kansas clearly secures to Kansas citizens, and prohibits government interference with, the right of individual Kansas citizens to keep and bear arms. This constitutional protection is unchanged from the constitution of the state of Kansas, which was approved by congress and the people of Kansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

Sec. 3. As used in sections 1 through 11, and amendments thereto, the following definitions apply:

(a) "Borders of Kansas" means the boundaries of Kansas described in the act for admission of Kansas into the union, 12 stat. 126, ch. 20, § 1.

(b) "firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including, but not limited to, telescopic or laser sights, magazines, flash or sound suppressors, collapsible or adjustable stocks and grips, pistol grips, thumbhole stocks, speedloaders, ammunition carriers and lights for target illumination.

(c) "Generic and insignificant parts" includes, but is not limited to, springs, screws, nuts and pins.

(d) "Manufacture" means to assemble using multiple components to create a more useful finished product.

Sec. 4. (a) A personal firearm, a firearm accessory or ammunition that is ~~not~~ manufactured commercially or privately in Kansas and that remains within the borders of Kansas is not subject to any federal law, treaty, federal regulation, or federal executive action, including any federal firearm or ammunition registration program, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section applies to a firearm, a firearm accessory or ammunition that is ~~not~~ manufactured in the state of Kansas.

(b) Component parts ~~that have multiple manufacturing or commercial purposes~~ are not firearms, firearms accessories or ammunition, and their importation into Kansas and incorporation into a firearm, a firearm accessory or ammunition manufactured in Kansas does not subject the firearm, firearm accessory or ammunition to federal regulation. It is declared by the legislature that such component parts are not firearms, firearms accessories or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories and ammunition under interstate commerce as if they were actually firearms, firearms accessories or ammunition.

(c) Firearms accessories that are imported into Kansas from another

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commercially or privately and owned

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state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Kansas.

Sec. 5. A firearm manufactured in Kansas within the meaning of sections 1 through 11, and amendments thereto, must have the words "Made in Kansas" clearly stamped on a central metallic part, such as the receiver or frame.

Sec. 6. (a) Any act, law, treaty, order, rule or regulation of the government of the United States which violates the second amendment to the constitution of the United States is null, void and unenforceable in the state of Kansas.

(b) No official, agent or employee of the state of Kansas ~~is not any dealer selling any firearm in the state of Kansas~~ shall enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States regarding any personal firearm, firearm accessory or ammunition that is ~~owned or~~ manufactured commercially or privately in the state of Kansas and that remains within the borders of Kansas.

Sec. 7. It is unlawful for any official, agent or employee of the government of the United States, or employee of a corporation providing services to the government of the United States to enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States upon a firearm, a firearm accessory, or ammunition that ~~is~~ manufactured commercially or privately in the state of Kansas and that remains within the borders of Kansas. Violation of this section is a severity level 10 nonperson felony.

Sec. 8. Sections 1 through 11, and amendments thereto, do not apply to: (a) A firearm that cannot be carried and used by one person;

(b) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or  
(c) other than shotguns, a firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

Sec. 9. ~~No physician, other than a psychiatrist,~~ shall inquire of any patient in conjunction with obtaining the patient's personal information and medical history, whether the patient has any firearms in such patient's home or on such patient's property and shall not require such information before providing treatment.

Sec. 10. Sections 1 through 11, and amendments thereto, apply to firearms, firearm accessories and ammunition that are ~~owned or~~ manufactured, as defined in section 3, and amendments thereto, and remain within the borders of Kansas on and after October 1, 2009.  
Sec. 11. If any provision of sections 1 through 10, and amendments thereto, or the application to any persons or circumstances is held to be

and owned

and owned

(a)

health care provider

Page 3 insert

and owned

1 invalid, such invalidity shall not affect the other provisions or application  
2 of sections 1 through 10, and amendments thereto, and to this end the  
3 provisions of section 1 through 10, and amendments thereto, are declared  
4 to be severable.

5 Sec. 12. This act shall take effect and be in force from and after its  
6 publication in the Kansas register.

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This section shall not apply to any health care provider who is treating a patient for a duly diagnosed mental illness.

(b) As used in this section, the term “health care provider” means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the department of health and environment, a health maintenance organization issued a certificate of authority by the commissioner of insurance, a podiatrist licensed by the state board of healing arts, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are health care providers as defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are health care providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are health care providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are health care providers as defined by this subsection, a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto, or a mental health center or mental health clinic licensed by the for aging and disability services.

