

**SENATE BILL No. 54**

By Committee on Assessment and Taxation

1-23

1 AN ACT concerning taxation; relating to electronic cigarettes, definitions,  
2 enforcement and collections; amending K.S.A. 2016 Supp. 79-3302  
3 and 79-3399 and repealing the existing sections.  
4

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

6 Section 1. K.S.A. 2016 Supp. 79-3302 is hereby amended to read as  
7 follows: 79-3302. (a) K.S.A. 79-3301 through 79-3304, 79-3306, 79-3309,  
8 79-3310, 79-3311, 79-3312, 79-3312a, 79-3313, 79-3316, 79-3321, 79-  
9 3322, 79-3323, 79-3324a, 79-3326, 79-3328, 79-3329, 79-3371, 79-3373,  
10 79-3374, 79-3375, 79-3377, 79-3378, 79-3379, 79-3387, 79-3388, 79-  
11 3391, 79-3392, 79-3393, 79-3394 and K.S.A. 2016 Supp. 79-3395 through  
12 79-3398 and 79-3399, and amendments thereto, shall be known and may  
13 be cited as the Kansas cigarette and tobacco products act.

14 (b) It is the purpose and intent of this act to regulate the sale of  
15 cigarettes and tobacco products in this state and to impose a tax thereon.

16 Sec. 2. K.S.A. 2016 Supp. 79-3399 is hereby amended to read as  
17 follows: 79-3399. (a) On and after January 1, 2017, a tax is hereby  
18 imposed upon the privilege of selling or dealing in electronic cigarettes in  
19 this state by any person engaged in business as a distributor thereof, at the  
20 rate of \$.20 per milliliter of consumable material for electronic cigarettes  
21 and a proportionate tax at the like rate on all fractional parts thereof. For  
22 electronic cigarettes in the possession of retail dealers for which tax has  
23 not been paid, tax shall be imposed under this subsection at the earliest  
24 time the retail dealer: (1) Brings or causes to be brought into this state  
25 from without the state electronic cigarettes for sale; (2) makes,  
26 manufactures or fabricates electronic cigarettes in this state for sale in this  
27 state; or (3) sells electronic cigarettes to consumers within this state.

28 (b) *For purposes of this section, the term "consumable material"*  
29 *means only the amount of nicotine that is contained within the liquid that*  
30 *is vaporized when using an electronic cigarette.*

31 (c) *The provisions of K.S.A. 75-5133, 79-3605, 79-3609, 79-3610,*  
32 *79-3611, 79-3612, 79-3613, 79-3615, 79-3617 and 79-3619, and*  
33 *amendments thereto, relating to enforcement, collection and*  
34 *administration, insofar as practicable, shall have full force and effect with*  
35 *respect to taxes imposed under the provisions of this section.*

36 (d) The secretary of revenue shall adopt rules and regulations to

1 implement the provisions of this section.

2 Sec. 3. K.S.A. 2016 Supp. 79-3302 and 79-3399 are hereby repealed.

3 Sec. 4. This act shall take effect and be in force from and after its

4 publication in the statute book.