

HOME RULE RESOLUTION NO. HR-2017-_____

A RESOLUTION PROHIBITING THE SALE OR FURNISHING OF CIGARETTES, ELECTRONIC CIGARETTES, TOBACCO PRODUCTS OR LIQUID NICOTINE TO ANY PERSON UNDER AGE 21

SPONSORED BY COMMISSIONER ARCHER

WHEREAS, the Board of County Commissioners of the County of Shawnee, Kansas desires to promote the public health, safety, and welfare of the citizens of Shawnee County by reducing the health risks associated with cigarettes, electronic cigarettes, tobacco products or liquid nicotine for persons under the age of twenty-one (21).

NOW, THEREFORE, The Board of County Commissioners of the County of Shawnee, Kansas, meeting in regular session this ____ day of _____, 2017, and intending to exercise its powers of home rule pursuant to K.S.A. 19-101a, does hereby resolve as follows:

SECTION 1: PURPOSE

The purpose of this Resolution is to promote the public health, safety, and welfare of the citizens of Shawnee County by reducing the health risks associated with cigarettes, electronic cigarettes, tobacco products or liquid nicotine for persons under the age of twenty-one (21).

SECTION 2: DEFINITIONS

The words and phrases used in this Resolution shall have the same meanings as defined in K.S.A. 79-3301, and amendments thereto. For purposes of this Resolution, "Liquid Nicotine" shall mean the active ingredient of the tobacco plant (nicotine) in liquefied form suitable for the induction of nicotine, whether by nasal spray, ingestion, smoking or other means, into the human body.

SECTION 3: SALE OR FURNISHING OF CIGARETTES, ELECTRONIC CIGARETTES, TOBACCO PRODUCTS OR LIQUID NICOTINE TO ANY PERSON UNDER AGE 21 IN THE UNINCORPORATED AREA OF SHAWNEE COUNTY, KANSAS PROHIBITED; DEFENSES.

- A. In the unincorporated area of Shawnee County, Kansas, it is unlawful for any person to sell or furnish any cigarettes, electronic cigarettes, tobacco products or liquid nicotine to

any person under the age of twenty-one (21); or to purchase any cigarettes, electronic cigarettes, tobacco products or liquid nicotine for any person under the age of twenty-one (21).

B. It shall be a defense to prosecution under this Section if:

1. The defendant is a licensed retail dealer or a person authorized by law to distribute samples; and
2. The defendant sold or furnished the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to the person under twenty-one (21) years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, liquid nicotine or tobacco products; and
3. To purchase or receive the cigarettes, electronic cigarettes, tobacco products or liquid nicotine, the person under twenty-one (21) years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was twenty-one (21) or more years of age; or
4. The defendant engages in the lawful sale or furnishing of cigarettes, electronic cigarettes, tobacco products or liquid nicotine by mail and the defendant sold or furnished the cigarettes, electronic cigarettes, tobacco products or liquid nicotine to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was twenty-one (21) or more years of age.

C. For purposes of this section, the person who violates this section shall be the individual directly selling or furnishing any cigarettes, electronic cigarettes, tobacco products or

liquid nicotine to any person under twenty-one (21) years of age or the retail dealer who has actual knowledge of such selling or furnishing by such individual or both.

SECTION 4: ENFORCEMENT

Penalty for Violation: Violations of any provision of this Resolution shall be punishable by a fine of Two Hundred Dollars (\$200.00).

SECTION 5: OTHER PROVISIONS

- A. Invalidity of Part: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Resolution or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof.
- B. Effective Date: This Resolution shall take effect thirty (30) days after publication in the official County newspaper.

**BOARD OF COUNTY COMMISSIONERS
SHAWNEE COUNTY, KANSAS**

Robert E. Archer, Chair

Kevin J. Cook, Vice-Chair

Michele A. Buhler, Member

ATTEST:

Cynthia A. Beck, Shawnee County Clerk