

Ordinance No. 961

An Ordinance Amending Chapter 12 Public Offenses, Article 1. Uniform Offense Code, Section 12-101 to Omit and Delete Article 5, Section 5.7 of the Uniform Public Offense Code; and Amending Chapter 12 Public Offenses to Add Article 2 Local Regulations; Section 12-211 Selling, Giving or Furnishing Cigarettes or Tobacco Products to A Person Under 21 Years of Age, of the Code of the City of Lansing, Kansas as adopted by ordinance 953

BE IT ORDANINED by the Governing Body of the City of Lansing, Kansas:

Section 1: Chapter 12 Public Offenses, Article 1. Uniform Offense Code, Section 12-101, is amended as follows:

SAME; DELETIONS AND OMISSIONS.

Article 5: Section 5.7 of the Uniform Public Offense Code relating to Selling, Giving Or Furnishing Cigarettes Or Tobacco Products To A Minor is hereby omitted and deleted.

Section 2: Chapter 12 Public Offenses, Article 2 Local Regulations; Section 12-211 Selling, Giving or Furnishing Cigarettes or Tobacco Products to A Person Under 21 Years of Age is added as follows:

12-211 SELLING, GIVING OR FURNISHING CIGARETTES OR TOBACCO PRODUCTS TO A PERSON UNDER 21 YEARS OF AGE.

(a) It shall be unlawful for any person to:

- (1) Sell, furnish or distribute to any person under the age of 21 years any cigarettes, electronic cigarettes, or tobacco products; or
- (2) Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.

(b) It shall be a defense to a prosecution under subsection (a) of this section if:

- (1) The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
- (2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes or tobacco products; and
- (3) To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 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 of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.

(c) It shall be a defense to a prosecution under subsection (a) of this section if:

(1) The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and

(2) The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601, that the person was 21 or more years of age.

(d) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age, or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

(e) **Electronic cigarette** means a device that delivers nicotine or other substances to the person inhaling from the device, including but not limited to any electronic cigarette, cigar, pipe, or hookah, including any component, part, or accessory of such a device, whether or not sold separately. Electronic cigarette shall not include any products that have been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(f) As used in this section, **sale** means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration.

(g) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER."

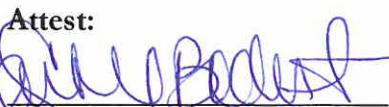
(h) Violation of this section is a class B violation punishable by a minimum fine of \$200.

Section 3: This ordinance shall be in full force and effect beginning July 1, 2016, and after its passage and publication in the official city newspaper.

PASSED BY THE COUNCIL and SIGNED BY THE MAYOR the 21st day of April, 2016.

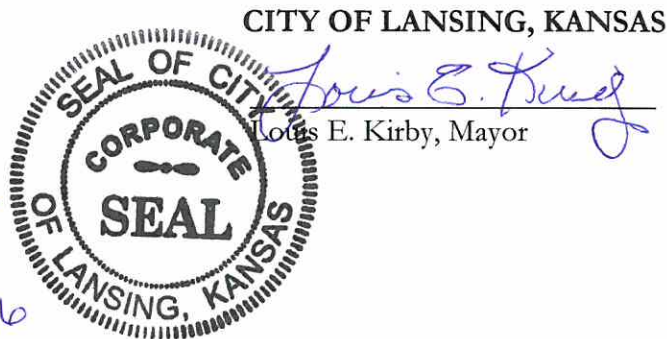
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Attest:


Sarah Bodensteiner, City Clerk

Date Published: 4-26-2016

Published: Leavenworth Times



CITY OF LANSING FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

Ordinance No. 961: An Ordinance Amending Chapter 12 Public Offenses, Article 1. Uniform Offense Code, Section 12-101 to Omit and Delete Article 5, Section 5.7 of the Uniform Public Offense Code; and Amending Chapter 12 Public Offenses to Add Article 2 Local Regulations; Section 12-211 Selling, Giving or Furnishing Cigarettes or Tobacco Products to A Person Under 21 Years of Age, of the Code of the City of Lansing, Kansas as adopted by ordinance 953

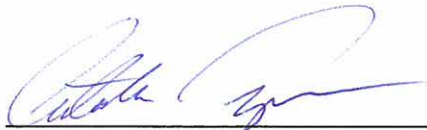
Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

Ordinance No. 961 Summary:

On April 21, 2016, the City of Lansing, Kansas, adopted Ordinance No. 961, amending Chapter 12 Public Offenses, Article 1. Uniform Offense Code, Section 12-101 to Omit and Delete Article 5, Section 5.7 of the Uniform Public Offense Code; and Amending Chapter 12 Public Offenses to Add Article 2 Local Regulations; Section 12-211 Selling, Giving or Furnishing Cigarettes or Tobacco Products to A Person Under 21 Years of Age. A complete copy of this ordinance is available at www.lansing.ks.us or at City Hall, 800 First Terrace, Lansing, KS 66043. This summary certified by Catalina Thompson, City Prosecutor.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 21, 2016

A handwritten signature in blue ink, appearing to read 'Catalina Thompson', is written over a horizontal line.

Catalina Thompson, City Prosecutor