

MINORS

+

VAPING

LEGALITY AND EXAMPLES



KANSAS STATE STATUTE: 79-3321

- “Unlawful Acts: Tobacco Offenses”
- Covers more than minors (26 sections)
 - Sale
 - Taxing,
 - Vending Machines,
 - ETC.
- Three apply to minors:
 - Section (L)
 - Section (M)
 - Section (N)

79-3321 (L):

- “It shall be unlawful for any person to sell, furnish, or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 18 years of age.”
- This means:
 - Parents, gas stations, specialty shops, etc.
 - All of the above can be liable and charged with the sale!

79-3321 (M):

- “It shall be unlawful for any person who is under 18 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products.”
- This means:
 - Juveniles, even if unsuccessful, can be charged with purchasing these items.
 - Even, and especially, if a fraudulent/fake/borrowed ID is used for the purchase!

79-3321 (N):

- “It shall be unlawful for any person who is under 18 years of age to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products.”
- This means:
 - No matter how brief the possession,
 - No matter the true owner,
 - No matter what type (cig vs e-cig vs ‘juice’, etc)
 - The juvenile in possession of the item is responsible/charged.

- “Tobacco products:”
 - “Tobacco products” means cigars, cheroots, stogies, perique; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff, snuff flour; Cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking. Tobacco products do not include cigarettes.

EXAMPLES:



- “Cigarettes:”
 - “Cigarette” means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape, and irrespective of tobacco being flavored, adulterated or mixed with any other ingredient if the wrapper is in greater part made of any material except tobacco.

EXAMPLES:



DEFINITIONS:

- “Electronic Cigarettes:”
 - "Electronic cigarette" means a battery-powered device, whether or not such device is shaped like a cigarette, that can provide inhaled doses of nicotine by delivering a vaporized solution by means of cartridges or other chemical delivery systems.





EXAMPLES

OF ELECTRONIC CIGARETTES



JUUL



NJOY



KANSAS STATE STATUTE: 79-3322

- “Tobacco Offenses--Penalties“
 - Class B Misdemeanor to sell/give/furnish to minor (l)
 - Class B Misdemeanor to buy for a minor (l)
 - Violation of (m) or (n) above:
 - Infraction w/ \$25 fine (plus court costs \$108 in Riley County)
 - Judge may require court appearance w/ parent/guardian



QUESTIONS