

**ORDINANCE NO. 2773**

**AN ORDINANCE AMENDING CHAPTER 9.05.03, SECTION 5.6 OF THE 'UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION 2022'**

WHEREAS, the Kansas Legislature during the 2023 legislative session enacted House Bill 2269 which amends K.S.A. 79-3321 relating to the minimum age for the sale, purchase and possession of tobacco and tobacco products from 18 years of age to 21 years of age which law becomes effective on July 1, 2023;

WHEREAS, the 2022 Uniform Public Offense Code, 38<sup>th</sup> Edition, published by the Kansas League of Municipalities and largely adopted by reference by the City pursuant to Ordinance No. 2762 still reflects at Section 5.6 that the minimum age for purchase and possession of cigarettes and tobacco products as 18, which will be inconsistent with HB2269 beginning on July 1, 2023 and thus requires amendment;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE.** That Chapter 9.05.03 of the Municipal Code of the City of Gardner, Kansas be amended to reflect the following additional exception to the incorporation by reference of the Uniform Public Offense Code relating to the exception of Section 5.6 of the UPOC from those sections incorporated by reference with the following substitute provision be added to Section 9.05.030:

9.05.030 AMENDMENTS AND ADDITIONS TO UNIFORM PUBLIC OFFENSE CODE.  
The following amendments to the Uniform Public Offense Code are hereby made:

5.6 PURCHASE OR POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS BY A MINOR. It shall be unlawful for any person:

- (a) Who is under 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products; or
- (b) Who is under 21 years of age to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products; or
- (c) Violation of this section shall be an ordinance cigarette or tobacco infraction for which the fine shall be \$25. In addition, the judge may require the juvenile to appear in court with a parent or legal guardian. (K.S.A. 79-3321;3322

**SECTION TWO:** That the remainder of Section 9.05.03 of the Municipal Code of the City of Gardner, Kansas 2022, as well as the remainder of Ordinance No. 2762 shall remain in full force and effect.

**SECTION THREE:** EFFECTIVE DATE. This ordinance shall take effect and be in force on July 1, 2023.

