SESSION ADDRESS:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4925
Fax: (907) 465-3517
Toll Free: 1-800-821-4925

Senator Gary Stevens

Alaska State Legislature

INTERIM ADDRESS:
305 Center Ave, Ste. 1
Kodiak, Alaska 99615
(907) 486-4925
Fax: (907) 486-5264

CS Senate Bill 15 (L&C)

Prohibiting the Sale of Electronic Smoking Products to Minors

Sectional – Version R
March 06, 2017

Section 1: AS 11.76.105(a) Adds to existing law that, as with prohibiting minors from possessing cigarettes or tobacco, to also prohibit possession of electronic cigarettes and any component thereof.

Section 2: AS 11.76.105(c) Extends an existing exception for possession by minor of a tobacco product, to include E-cigarettes possession, provided the minor is using an e-cigarette for an approved medical purpose, such as smoking cessation, and is provided by a parent or prescribed by a doctor.

Section 3: AS 11.76.106(a) Adds to existing law that, as with controlling access to and sale of tobacco products to minors (that is, "behind the counter"), that E-Cigarettes access also be controlled and restricted in a like manner.

Section 4: AS 11.76.106(b) Extends an existing exception to clerk-controlled access to tobacco or E-Cigarette products sold through a vending machine, which are covered in the next section.

Section 5: AS 11.76.107(a) Adds to existing law that, as with tobacco product vending machines, vending machines dispensing electronic cigarette or nicotine products must also be supervised.

Senator.Gary.Stevens@akleg.gov

Section 6: AS 11.76.109(a) Adds to existing law prohibiting the sale of nicotine products and electronic cigarettes, or any related component thereof, to a minor under 19 years old.

Section 7: AS 11.76.109(b) Extends an existing exception for minor possession of a nicotine product, to include E-cigarettes possession, provided the minor is using an e-cigarette for an approved medical purpose, such as smoking cessation, and is provided by a parent or prescribed by a doctor.

Section 8: AS 11.76.109(e) Extends the existing fine of at least $300 for selling nicotine products to minors, to include selling E-cigarette products.

Section 9: AS 11.76.109(f) adds a new subsection that is consistent with existing law regarding placement of vending machines dispensing tobacco products; that the same requirements are applied to vending machines dispensing E-cigarette or nicotine products.

Section 10: AS 11.81.900(b) Establishes a definition for "electronic smoking product," summarized as follows:

(67) (a) a device designed to aerosolize and inhale nicotine, a synthetic of nicotine, or another substance that "may have an adverse effect" on the person inhaling from the device; [basically, the hardware] and

(b) the accompanying compounds, oils, vapor fluids, chemicals, or agents intended to be aerosolized and inhaled in conjunction with the device.

Section 11: AS 43.50.070(a) Adds enforcement provision for the state to suspend, revoke, or refuse to renew a business for violating provisions relating to selling E-cigarette products to minors.

Section 12: AS 43.50.105(b) is amended for conformity and consolidation, changing "tobacco" endorsement to "business license" endorsement, for purposes of shipping or transport of cigarettes. It also sets up conformity for the following Section 8 of the bill, relating to a required business license endorsement for selling E-cigarette or nicotine products. The effect is that existing tobacco license endorsement holders may also sell E-Cigarette products, and eliminates a need for the state to establish a separate database for vendors only selling only E-Cigarette products (and not tobacco), thus reducing fiscal costs of implementation.

Section 13: AS 43.70.075(a) amends existing law requiring a special business license endorsement in order to lawfully sell tobacco products for each location the products are sold, by including the same license endorsement requirements for lawfully selling E-cigarette or nicotine products, an endorsement for each location.

Section 14: AS 43.70.075(d) amends existing law relating to selling tobacco to minors, by adding the same penalty provisions, including graduated fines, for selling E-cigarette or nicotine products to minors. Following repeated convictions within a 2-year period, civil fines are structured as follows:

1st offense: a civil penalty of $1,000 (from $300)

2nd offense: a civil penalty of $2,000 (from $500)

3rd offense: a civil penalty of $4,000 (from $1,000)

After 3 convictions: suspend license indefinitely (from 1-year) and a civil penalty of $10,000 (from $2,500)

Section 15: AS 43.70.075(f) amends existing law requiring signage when selling tobacco products, to also require signage for selling E-cigarette or nicotine products. The signage must read "The sale of electronic smoking products or products containing nicotine to a person under the age of 19 without a prescription is illegal." Signage must be 8.5-inches by 11-inches, which is a change to make sign design and printing more efficient for both the state and vendors.

Section 16: AS 43.70.075(i) amends existing enforcement provisions that, as with tobacco sales, to allow the State to seize and destroy a vendor's inventory of E-cigarette or nicotine products in the event violating the law prohibiting sales of those products to minors.

Section 17: AS 43.70.075(l) is amended for conformity that, as with tobacco sales, to allow one business license endorsement to serve as an umbrella if a vendor has multiple locations they are selling E-cigarette or nicotine products, and to shut down only the offending vending machine or outlet location in the event of a violation.

Sections 18-23: AS 43.70.075(m), (r), (t), (v), (w), and (x) are amended for conformity that, as with tobacco sales, to allow an evidentiary and administrative hearing, appeal process, and penalties in the event of violations of these statutes, involving the sale of E-cigarette or nicotine products to minors.

Section 24: AS 43.70.105(b) is amended for conformity that, as with tobacco products, a vendor must have the appropriate business license endorsement in order to lawfully sell E-cigarette or nicotine products.

Section 25: AS 43.70.110 is added for conformity, linking the definitions of "electronic smoking products," and distinguishing between traditional cigarette (tobacco) products and other modern nicotine alternatives.

Section 26: AS 44.29.092 is amended for conformity that, as with tobacco sales, providing the Dept. of Health and Social Services the authority to issue citations for violating state law regarding minors buying, selling or possessing E-cigarette or nicotine products.

Section 27: Is the applicability and effective date, applying to offenses committed only after the effective date of the bill, which would be 90 days after the bill is enacted.