



LAWS OF ALASKA

1990

Source

SCS CSHB 141 (Fin)

Chapter No.

125

AN ACT

Relating to tobacco and products containing tobacco.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 14, 1990
Actual Effective Date: September 12, 1990

AN ACT

Relating to tobacco and products containing tobacco.

* Section 1. AS 11.76.100(a) is amended to read:

(a) Except as provided in (f) of this section, a [A] person commits the offense of selling or giving tobacco to a minor if the person is 19 years of age or older and

(1) knowingly sells, exchanges, or gives a cigarette, a cigar, tobacco, or a product containing tobacco to a person under 19 years of age; or

(2) maintains a vending machine that dispenses cigarettes, cigars, tobacco, or products containing tobacco and that is accessible to persons under 19 years of age.

* Sec. 2. AS 11.76.100 is amended by adding new subsections to read:

(e) The court shall forward a record of each person convicted under this section who holds a business license endorsement under AS 43.70.075, or who is an employee or agent of a person who holds a license endorsement under AS 43.70.075 to the Department of Commerce and Economic Development.

(f) The provisions of (a) of this section do not apply to a person who sells or gives tobacco to a minor, if the minor is a prisoner at an adult correctional facility.

* Sec. 3. AS 11.76.105 is amended to read:

Sec. 11.76.105. POSSESSION [PURCHASE] OF TOBACCO BY A MINOR.

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1 (a) A person under 19 years of age may not knowingly possess [PUR-
2 CHASE] a cigarette, a cigar, tobacco, or a product containing tobacco
3 in this state. This subsection does not apply to a person who is a
4 prisoner at an adult correctional facility.

5 (b) Possession [PURCHASE] of tobacco by a minor is a violation.

6 * Sec. 4. AS 43.50.070 is amended to read:

7 Sec. 43.50.070. REVOCATION OF LICENSES. The department may
8 suspend or revoke a license issued under AS 43.50.010 - 43.50.180 (1)
9 for violation of AS 11.76.100, AS 43.50.010 - 43.50.180, or a regula-
10 tion of the department adopted under AS 43.50.010 - 43.50.180; [, OR]
11 (2) if a licensee ceases to act in the capacity for which the license
12 was issued; or (3) if a manufacturer, distributor, or wholesale dis-
13 tributor negligently sells tobacco or products containing tobacco to a
14 nonlicensed retailer or a retailer whose license endorsement under
15 AS 43.70.075 has been suspended. A [. NO] person whose license is
16 suspended or revoked may not [SHALL] sell cigarettes or permit ciga-
17 rettes to be sold during the period of the suspension or revocation on
18 the premises occupied or controlled by that person. A [NO] disciplin-
19 ary proceeding or action is not barred or abated by the expiration,
20 transfer, surrender, renewal, or extension of a license issued under
21 AS 43.50.010 - 43.50.180. The department shall comply with the provi-
22 sions of the Administrative Procedure Act (AS 44.62).

23 * Sec. 5. AS 43.70 is amended by adding a new section to read:

24 Sec. 43.70.075. LICENSE ENDORSEMENT. (a) Unless a person has a
25 business license endorsement issued under this section, a person may
26 not sell cigarettes, cigars, tobacco, or products containing tobacco
27 as a retailer. An endorsement required under this section is in
28 addition to any other license or endorsement required by law.

29 (b) The department, upon payment of a fee of \$25, shall issue a

1 business license endorsement to a person who applies for a business
2 license under this chapter, and may renew the endorsement issued under
3 this subsection for a fee of \$25. The endorsement expires at the same
4 time as the license to which it attaches.

5 (c) The department may refuse to issue an endorsement under this
6 section if there is reasonable cause to believe that the information
7 submitted in the application is false or misleading and is not made in
8 good faith.

9 (d) If a person who holds an endorsement issued under this
10 section, or an agent or an employee of a person who holds an endorse-
11 ment issued under this section acting within the scope of the agency
12 or employment, has been convicted of violating AS 11.76.100, or vio-
13 lates a provision of this section or a regulation implementing this
14 section adopted under AS 43.70.090, the department shall suspend the
15 endorsement for a period of

16 (1) 45 days; or

17 (2) 90 days, if within the past 24 months the person has
18 been previously convicted of violating AS 11.76.100, or a provision of
19 this section or a regulation implementing this section adopted under
20 AS 43.70.090.

21 (e) If a person who receives an endorsement under this section
22 has multiple retail outlets, a suspension imposed under (d) of this
23 section applies only to the retail outlet in which the violation
24 occurs.

25 * Sec. 6. AS 47.10.010(b) is amended to read:

26 (b) When a minor is accused of violating a traffic statute or
27 regulation, a traffic ordinance or regulation of an incorporated
28 municipality, AS 11.76.105 relating to the possession [PURCHASE] of
29 tobacco by a minor, a fish and game statute or regulation under AS 16,

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1 or a parks and recreational facilities statute or regulation under
2 AS 41.21, excepting a statute the violation of which is a felony, the
3 procedure prescribed in AS 47.10.020 - 47.10.090 may not be followed,
4 except that a parent, guardian, or legal custodian shall be present at
5 all proceedings. The minor accused of an offense specified in this
6 subsection shall be charged, prosecuted, and sentenced in the district
7 court in the same manner as an adult.

8 * Sec. 7. APPLICABILITY. The business license endorsement requirement
9 imposed under AS 43.70.075(a), added by sec. 5 of this Act, applies only
10 upon issuance or renewal of a business license required under AS 43.70.020.
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