

**HOUSE BILL NO. 189**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE COWDERY

Introduced: 3/12/97

Referred: Labor and Commerce, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sale, gift, and possession of tobacco and tobacco products;  
2 and providing for an effective date."

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

4 \* **Section 1.** AS 11.76.100(b) is amended to read:

5 (b) Notwithstanding the provisions of (a) of this section, a person who  
6 maintains a vending machine is not in violation of (a)(2) of this section if the vending  
7 machine is located

8 [(1)] on premises licensed as a beverage dispensary under AS 04.11.090,  
9 licensed as a club under AS 04.11.110, or licensed as a package store under  
10 AS 04.11.150 [;] and is

11 (1) [(A)] as far as practicable from the primary entrance; and

12 (2) [(B)] in a place that is directly and continually supervised by a  
13 person employed on the licensed premises during the hours the vending machine is  
14 accessible to the public [; OR

1 (2) IN AN EMPLOYEE BREAK ROOM OR OTHER CONTROLLED  
 2 AREA OF A PRIVATE WORK PLACE THAT IS NOT GENERALLY  
 3 CONSIDERED A PUBLIC PLACE].

4 \* **Sec. 2.** AS 11.76.100(d) is amended to read:

5 (d) A person who violates this section is guilty of [SELLING OR GIVING  
 6 TOBACCO TO A MINOR IS] a violation and upon conviction is punishable by a fine  
 7 of not less than \$300.

8 \* **Sec. 3.** AS 11.76.100 is amended by adding new subsections to read:

9 (g) Except as provided under (h) of this section, a person may not sell  
 10 cigarettes, cigars, tobacco, or a product containing tobacco unless

11 (1) the person also holds a liquor license issued under AS 04.11.090,  
 12 04.11.110, or 04.11.150;

13 (2) the sale occurs on the licensed premises; and

14 (3) the person purchasing the cigarettes, cigars, tobacco, or product  
 15 containing tobacco provides proof that the person is at least 19 years of age.

16 (h) The restrictions imposed under (g) of this section do not apply to

17 (1) wholesale transactions when the person selling the cigarettes, cigars,  
 18 tobacco, or products containing tobacco is licensed as a manufacturer or distributor  
 19 under AS 43.50.010; or

20 (2) cigarettes, cigars, tobacco, or products containing tobacco sold by  
 21 vending machine as required under (b) of this section.

22 \* **Sec. 4.** AS 11.76.105(a) is amended to read:

23 (a) A person under 19 years of age may not knowingly possess a cigarette, a  
 24 cigar, tobacco, or a product containing tobacco in this state. [THIS SUBSECTION  
 25 DOES NOT APPLY TO A PERSON WHO IS A PRISONER AT AN ADULT  
 26 CORRECTIONAL FACILITY.]

27 \* **Sec. 5.** AS 11.76.107(a) is amended to read:

28 (a) A person commits the offense of failure to supervise a cigarette vending  
 29 machine if the person owns premises licensed as a beverage dispensary under  
 30 AS 04.11.090, [OR] licensed as a club under AS 04.11.110, or licensed as a package  
 31 store under AS 04.11.150 and with criminal negligence fails to have an employee

1 supervise a vending machine on those premises that dispenses cigarettes, cigars,  
2 tobacco, or products containing tobacco as required by AS 11.76.100(b)  
3 [AS 11.76.100(b)(1)(B)].

4 \* **Sec. 6.** AS 43.50.170(8) is amended to read:

5 (8) "place of business" means a place where cigarettes are sold, or  
6 where cigarettes are brought or kept for the purpose of sale or consumption [,  
7 INCLUDING A VESSEL, VEHICLE, AIRPLANE, OR TRAIN];

8 \* **Sec. 7.** AS 11.76.100(f) is repealed.

9 \* **Sec. 8.** This Act takes effect July 1, 1997.