

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 189(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/21/97

Referred: Judiciary

Sponsor(s): REPRESENTATIVES COWDERY, Austerman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to sale, gift, exchange, or distribution of tobacco and tobacco**
2 **products; 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(d) is amended to read:

5 (d) **A person**

6 **(1) who violates (a)(1) of this section by selling, exchanging,**
7 **[SELLING] or giving tobacco to a person under 19 years of age [MINOR] is guilty**
8 **of a class A misdemeanor, except that, if within the five years preceding the**
9 **offense, the person has previously been convicted under this subsection or a law**
10 **or ordinance of this or another jurisdiction with elements substantially similar to**
11 **this section, the person is guilty of a class C felony;**

12 **(2) who maintains a vending machine in violation of (a)(2) of this**
13 **section commits** a violation and upon conviction is punishable by a fine of not less
14 than \$300.

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

2 (g) A person may not sell cigarettes, cigars, tobacco, or a product containing
3 tobacco unless

4 (1) the person also holds a liquor license issued under AS 04.11.090,
5 04.11.110, or 04.11.150 and the sale occurs on the licensed premises, including sale
6 by means of a vending machine under (b) of this section;

7 (2) the sale occurs in a manner that allows only the sales clerk to have
8 access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale;

9 (3) the sale is a wholesale transaction and the person selling the
10 cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer
11 or distributor under AS 43.50.010; or

12 (4) the sale is by vending machine as required under (b) of this section.

13 (h) A person engaged in the sale or distribution of a tobacco product shall
14 demand proof of age from a prospective purchaser or recipient if the person has reason
15 to believe that the prospective purchaser or recipient is under 27 years of age. A
16 prosecution for violation of this subsection may not be brought unless a prosecution
17 is also brought for violation of AS 11.76.100(a).

18 (i) A person engaged in the retail business of selling a tobacco product shall
19 notify each individual employed by that person as a retail sales clerk that state law (1)
20 prohibits the sale or distribution of a tobacco product to any person under 19 years of
21 age and the purchase or receipt of a tobacco product by any person under 19 years of
22 age; and (2) requires that proof of age be demanded from a prospective purchaser or
23 recipient if the person engaged in sale or distribution of the tobacco product has reason
24 to believe that the prospective purchaser or recipient is under 27 years of age. This
25 notice shall be provided before the individual commences work as a retail sales clerk.
26 The individual shall signify receipt of the notice required by this subsection by signing
27 a form stating as follows:

28 "I understand that state law prohibits the sale or distribution of
29 a tobacco product to persons under 19 years of age and requires
30 that proof of age be demanded from a prospective purchaser or
31 recipient if I have reason to believe that the prospective

1 purchaser or recipient is under 27 years of age. I promise, as a
2 condition of my employment, to observe this law."

3 Each form signed by an individual shall indicate the date of signature. The employer
4 shall retain the form signed by an individual employed as a retail sales clerk until 120
5 days after the individual has left the employer's employ.

6 * **Sec. 3.** This Act takes effect July 1, 1997.