

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 189(JUD) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Amended: 5/9/97

Offered: 5/7/97

Sponsor(s): REPRESENTATIVES COWDERY, Austerman, Ryan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to sale, gift, exchange, or distribution of tobacco and tobacco
2 products."

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

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

5 (a) A person commits the offense of selling or giving tobacco to a minor if the
6 person is 19 years of age or older and knowingly

7 [(1) NEGLIGENTLY] sells, exchanges, or gives a cigarette, a cigar,
8 tobacco, or a product containing tobacco to a person under 19 years of age [; OR

9 (2) MAINTAINS A VENDING MACHINE THAT DISPENSES
10 CIGARETTES, CIGARS, TOBACCO, OR PRODUCTS CONTAINING TOBACCO].

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

12 (d) A person who violates (a) of this section by selling, exchanging,
13 [SELLING] or giving tobacco to a person under 19 years of age [MINOR] is guilty
14 of a class B misdemeanor, except that, if within the five years preceding the

1 offense, the person has previously been convicted under this subsection or a law
 2 or ordinance of this or another jurisdiction with elements substantially similar to
 3 this section, the person is guilty of a class A misdemeanor [A VIOLATION AND
 4 UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT LESS THAN \$300].

5 * **Sec. 3.** AS 11.76.107 is repealed and reenacted to read:

6 **Sec. 11.76.107. Restrictions of sales of tobacco and tobacco products.**

7 Except for sales of cigarettes by vending machine, a person may not knowingly sell
 8 cigarettes, cigars, tobacco, or a product containing tobacco unless the sale

9 (1) occurs in a manner that allows only the sales clerk to control access
 10 to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale; or

11 (2) is a wholesale transaction and the person selling the cigarettes,
 12 cigars, tobacco, or products containing tobacco is licensed as a manufacturer or
 13 distributor under AS 43.50.010.

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

15 **Sec. 43.50.070. Revocation of licenses.** The department may suspend or
 16 revoke a license issued under AS 43.50.010 - 43.50.180 (1) for a **knowing**
 17 [CRIMINALLY NEGLIGENT] violation of AS 11.76.100, 11.76.107, or a violation
 18 of AS 43.50.010 - 43.50.180 or a regulation of the department adopted under
 19 AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the capacity for which the
 20 license was issued; or (3) if a manufacturer, distributor, or wholesale distributor
 21 negligently sells tobacco or products containing tobacco to a nonlicensed retailer or a
 22 retailer whose license endorsement under AS 43.70.075 has been suspended. A person
 23 whose license is suspended or revoked may not sell cigarettes or permit cigarettes to
 24 be sold during the period of the suspension or revocation on the premises occupied or
 25 controlled by that person. A disciplinary proceeding or action is not barred or abated
 26 by the expiration, transfer, surrender, renewal, or extension of a license issued under
 27 AS 43.50.010 - 43.50.180. The department shall comply with the provisions of the
 28 Administrative Procedure Act (AS 44.62).

29 * **Sec. 5.** AS 11.76.100(b) and 11.76.100(c) are repealed.

30 * **Sec. 6.** LEGISLATIVE INTENT CONCERNING HB 159. On the event that both this
 31 Act and a version of HB 159 pass the legislature during the same session of the Twentieth

- 1 Alaska State Legislature and become law, it is the intent of the legislature that both Acts be
- 2 given effect to the maximum extent possible.