

SENATE BILL NO. 207

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATOR WARD

Introduced: 1/12/98

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to penalties for sales or gifts of tobacco to persons under 19
2 years of age, to possession of tobacco by a person under 19 years of age, and
3 to penalties on cigarette tax and tobacco tax licensees for selling or giving
4 cigarettes or tobacco to persons under 19 years of age."

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

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

7 (d) A person

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

14 (2) who maintains a vending machine in violation of (a)(2) of this

1 section commits a violation and upon conviction is punishable by a fine of not less
2 than \$300.

3 * **Sec. 2.** AS 11.76.105(b) is amended to read:

4 (b) Possession of tobacco or a product containing tobacco in violation of
5 (a) of this section by a person under 19 years of age [MINOR] is a violation.

6 * **Sec. 3.** AS 43.50.070 is amended to read:

7 **Sec. 43.50.070. Revocation of licenses.** The department shall revoke a
8 license issued under AS 43.50.010 - 43.50.180 for a violation of AS 11.76.100(a)(1).
9 The department may suspend or revoke a license issued under AS 43.50.010 -
10 43.50.180 (1) for a criminally negligent violation of AS 11.76.107, [AS 11.76.100,
11 11.76.107 OR] a violation of AS 11.76.100(a)(2) or AS 43.50.010 - 43.50.180, or a
12 regulation of the department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee
13 ceases to act in the capacity for which the license was issued; or (3) if a manufacturer,
14 distributor, or wholesale distributor negligently sells tobacco or products containing
15 tobacco to a nonlicensed retailer or a retailer whose license endorsement under
16 AS 43.70.075 has been suspended. A person whose license is suspended or revoked
17 may not sell cigarettes or permit cigarettes to be sold during the period of the
18 suspension or revocation on the premises occupied or controlled by that person. A
19 disciplinary proceeding or action is not barred or abated by the expiration, transfer,
20 surrender, renewal, or extension of a license issued under AS 43.50.010 - 43.50.180.
21 The department shall comply with the provisions of AS 44.62 ([THE] Administrative
22 Procedure Act [(AS 44.62)].

23 * **Sec. 4.** AS 43.50.320(f) is amended to read:

24 (f) The department shall revoke a license issued under this section for a
25 violation of AS 11.76.100(a)(1) and may suspend or revoke a license issued under this
26 section if the licensee violates AS 11.76.100(a)(2) or violates a provision of
27 AS 43.50.300 - 43.50.390 or a regulation adopted under AS 43.50.370.

28 * **Sec. 5.** APPLICABILITY. This Act applies to offenses committed on or after the
29 effective date of this Act. References in AS 11.76.100(d)(1), amended by sec. 1 of this Act,
30 to prior or previous convictions refer to convictions occurring on or after the effective date
31 of this Act.