

CS FOR HOUSE BILL NO. 37(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/19/99

Referred: Rules

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

**1 "An Act relating to restricting sale of cigarettes, to enforcement of certain laws
2 relating to sales of cigarettes, and to smoking education and cessation programs
3 administered by the Department of Health and Social Services."**

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

5 * Section 1. AS 43.70.075 is amended by adding new subsections to read:

6 (g) A person who is required to hold a business license endorsement under this
7 section, or an agent or employee of the person, may not

8 (1) sell cigarettes to another person unless the cigarettes are sold in
**9 groups of at least 20 and the cigarettes are in the manufacturer's original cigarette pack
10 or contained in a cigarette carton or box; or**

11 (2) sell or possess cigarettes if the cigarette package

12 (A) does not comply with all of the requirements of 15 U.S.C.
**13 1331 - 1341 (Cigarette Labeling and Advertising Act) for the placement of
14 warnings or of any other information upon a package of cigarettes that is sold**

1 within the United States;

2 (B) is labeled "For Export Only," "U.S. Tax Exempt," "For Use
3 Outside U.S.," or with similar wording indicating that the manufacturer did not
4 intend that the product be sold in the United States;

5 (C) has been altered by masking or deleting wording described
6 in (B) of this paragraph.

7 (h) A violation of (g) of this section is an unfair or deceptive act or practice
8 under AS 45.50.471.

9 (i) The commissioner may seize cigarettes that do not comply with this
10 section. After notice and an opportunity for a hearing, the commissioner may destroy
11 cigarettes seized under this subsection.

12 * **Sec. 2.** AS 44.29.020(a) is amended to read:

13 (a) The Department of Health and Social Services shall administer the state
14 programs of public health and social services, including

15 (1) maternal and child health services;

16 (2) preventive medical services;

17 (3) public health nursing services;

18 (4) nutrition services;

19 (5) health education;

20 (6) laboratories;

21 (7) mental health treatment and diagnosis;

22 (8) management of state institutions, except for adult penal institutions;

23 (9) medical facilities;

24 (10) adult public assistance;

25 (11) Alaska temporary assistance program;

26 (12) child welfare services;

27 (13) general relief; [AND]

28 (14) licensing and supervision of child care facilities; **and**

29 **(15) a comprehensive smoking education, tobacco use prevention,**
30 **and tobacco control program; to the maximum extent possible, the department**
31 **shall conduct the program required under this paragraph by grant or contract**

1 with more than one organization in the state; the department's program must
2 include

3 (A) a community-based smoking cessation component using
4 cessation aids such as a nicotine patch or a gum tobacco substitute;

5 (B) school-based efforts;

6 (C) anti-tobacco marketing;

7 (D) tobacco use surveillance and evaluation; and

8 (E) enforcement components.