

**SENATE CS FOR CS FOR HOUSE BILL NO. 37(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 1/28/00**

**Referred: Judiciary**

**Sponsor(s): REPRESENTATIVES ROKEBERG, Croft, Kemplen, Smalley**

**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 who is licensed or agrees to be licensed under AS 43.50.010, or an agent  
**8** or employee of the person, may not

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

**12 (2)** sell or possess cigarettes if the cigarette package

**13 (A)** differs in any respect from the requirements of 15 U.S.C.

**14** 1331 - 1341 (Cigarette Labeling and Advertising Act) for the placement of

1 warnings or of any other information upon a package of cigarettes that is sold  
2 within the United States;

3 (B) is labeled "For Export Only," "U.S. Tax Exempt," "For Use  
4 Outside U.S.," or with similar wording indicating that the manufacturer did not  
5 intend that the product be sold in the United States; this subparagraph does not  
6 apply to cigarettes sold or intended to be sold as duty-free merchandise by a  
7 duty-free sales enterprise under 19 U.S.C. 1555(b); however, this subparagraph  
8 does apply to duty-free cigarettes that are brought back into the state for resale  
9 in the state;

10 (C) has been altered by adding, masking, or deleting wording  
11 described in (B) of this paragraph.

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

14 (i) The commissioner or the commissioner of revenue may seize cigarettes that  
15 do not comply with this section. After notice and an opportunity for a hearing, the  
16 commissioner or the commissioner of revenue shall destroy cigarettes seized under this  
17 subsection.

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

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

- 21 (1) maternal and child health services;
- 22 (2) preventive medical services;
- 23 (3) public health nursing services;
- 24 (4) nutrition services;
- 25 (5) health education;
- 26 (6) laboratories;
- 27 (7) mental health treatment and diagnosis;
- 28 (8) management of state institutions, except for adult penal institutions;
- 29 (9) medical facilities;
- 30 (10) adult public assistance;
- 31 (11) Alaska temporary assistance program;

- 1 (12) child welfare services;
- 2 (13) general relief; [AND]
- 3 (14) licensing and supervision of child care facilities; **and**
- 4 **(15) a comprehensive smoking education, tobacco use prevention,**
- 5 **and tobacco control program; to the maximum extent possible, the department**
- 6 **shall conduct the program required under this paragraph by grant or contract**
- 7 **with more than one organization in the state; the department's program must**
- 8 **include**
- 9 **(A) a community-based smoking cessation component using**
- 10 **cessation aids such as a nicotine patch or a gum tobacco substitute;**
- 11 **(B) school-based efforts;**
- 12 **(C) anti-tobacco marketing;**
- 13 **(D) tobacco use surveillance and evaluation; and**
- 14 **(E) enforcement components.**