

**HOUSE BILL NO. 189**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE CRAWFORD**

**Introduced: 3/12/03**

**Referred: Community and Regional Affairs, Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act raising the age for purchase, sale, exchange, or possession of tobacco to age  
2 21."

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

7 (1) negligently sells a cigarette, a cigar, tobacco, or a product  
8 containing tobacco to a person under 21 [19] years of age;

9 (2) is 21 [19] years of age or older and negligently exchanges or gives  
10 a cigarette, a cigar, tobacco, or a product containing tobacco to a person under 21 [19]  
11 years of age; or

12 (3) maintains a vending machine that dispenses cigarettes, cigars,  
13 tobacco, or products containing tobacco.

14 \* **Sec. 2.** AS 11.76.100(b) is amended to read:

1 (b) Notwithstanding the provisions of (a) of this section, a person who  
 2 maintains a vending machine is not in violation of (a)(3) of this section if the vending  
 3 machine is located

4 (1) on premises licensed as a beverage dispensary under AS 04.11.090,  
 5 licensed as a club under AS 04.11.110, or licensed as a package store under  
 6 AS 04.11.150; and

7 (A) as far as practicable from the primary entrance; and

8 (B) in a place that is directly and continually supervised by a  
 9 person employed on the licensed premises during the hours the vending  
 10 machine is accessible to the public; or

11 (2) in an employee break room or other controlled area of a private  
 12 work place that is not generally considered a public place and the room or area  
 13 contains a posted warning sign at least 11 inches by 14 inches indicating that  
 14 possession of tobacco by a person under 21 [19] years of age is prohibited under  
 15 AS 11.76.105.

16 \* **Sec. 3.** AS 11.76.105(a) is amended to read:

17 (a) A person under 21 [19] years of age may not knowingly possess a  
 18 cigarette, a cigar, tobacco, or a product containing tobacco in this state. This  
 19 subsection does not apply to a person who is a prisoner at an adult correctional  
 20 facility.

21 \* **Sec. 4.** AS 11.76.106(b) is amended to read:

22 (b) Subsection (a) does not apply if the sale

23 (1) is by vending machine as provided under AS 11.76.100(b);

24 (2) is a wholesale transaction, the person is licensed as a manufacturer  
 25 or distributor under AS 43.50.010, and the sale occurs on premises where no retail  
 26 transactions occur; or

27 (3) is by a retailer who sells primarily cigarettes, cigars, tobacco, or a  
 28 product containing tobacco and who restricts access to the premises to only those  
 29 individuals who are 21 [19] years of age or older.

30 \* **Sec. 5.** AS 43.70.075(f) is amended to read:

31 (f) A person who holds a license endorsement issued under this section shall

1 post on the licensed premises a warning sign as described in this subsection. A  
 2 warning sign required by this subsection must be at least 6 inches by 18 inches and  
 3 must read, in lettering at least 1.25 inches high: "The sale of tobacco products to  
 4 persons under age 21 [19] is illegal." A person holding an endorsement issued under  
 5 this section shall display the sign in a manner conspicuous to a person purchasing or  
 6 consuming tobacco products on the licensed premises. The department shall, without  
 7 charge, furnish warning signs required under this section to a person who holds an  
 8 endorsement issued under this section or a person who requests the sign with the  
 9 intention of displaying it.

10 \* **Sec. 6.** AS 47.12.030(b) is amended to read:

11 (b) When a minor is accused of violating a statute specified in this subsection,  
 12 other than a statute the violation of which is a felony, this chapter and the Alaska  
 13 Delinquency Rules do not apply and the minor accused of the offense shall be  
 14 charged, prosecuted, and sentenced in the district court in the same manner as an  
 15 adult; if a minor is charged, prosecuted, and sentenced for an offense under this  
 16 subsection, the minor's parent, guardian, or legal custodian shall be present at all  
 17 proceedings; the provisions of this subsection apply when a minor is accused of  
 18 violating

19 (1) a traffic statute or regulation, or a traffic ordinance or regulation of  
 20 a municipality;

21 (2) AS 11.76.105, relating to the possession of tobacco by a person  
 22 under 21 [19] years of age;

23 (3) a fish and game statute or regulation under AS 16;

24 (4) a parks and recreational facilities statute or regulation under  
 25 AS 41.21;

26 (5) AS 04.16.050, relating to possession, control, or consumption of  
 27 alcohol, except for conduct constituting habitual minor consuming or in possession or  
 28 control under AS 04.16.050(d); and

29 (6) a municipal curfew ordinance, whether adopted under  
 30 AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its  
 31 ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed for

1 the violation of a municipal curfew ordinance, the court shall allow a defendant the  
2 option of performing community work; the value of the community work, which may  
3 not be lower than the amount of the fine, shall be determined under AS 12.55.055(c);  
4 in this paragraph, "community work" includes the work described in AS 12.55.055(b)  
5 or work that, on the recommendation of the municipal or borough assembly, city  
6 council, or traditional village council of the defendant's place of residence, would  
7 benefit persons within the municipality or village who are elderly or disabled.