

HOUSE BILL NO. 223

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 3/28/03

Referred: Health, Education and Social Services, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to suspension of a business license endorsement for sales of tobacco
2 products and to a tobacco sales education course; and providing for an effective date."

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

4 * **Section 1.** AS 43.70.075(d) is amended to read:

5 (d) If a person who holds an endorsement issued under this section, or an
6 agent or an employee of a person who holds an endorsement issued under this section
7 acting within the scope of the agency or employment, has been convicted of violating
8 AS 11.76.100, 11.76.106, or 11.76.107, the department shall suspend the endorsement
9 for a period of

10 (1) 20 days and impose a civil penalty of \$300 if the person has not
11 been previously convicted of violating AS 11.76.100, 11.76.106, or 11.76.107 and is
12 not otherwise subject to the sanctions described in (2) - (4) of this subsection, **except**
13 **that, if the person convicted of violating AS 11.76.100, 11.76.106, or 11.76.107 has**
14 **completed a tobacco sales education course described in AS 43.70.077, the**

1 **department may not suspend the endorsement as required under this paragraph;**

2 (2) 45 days and impose a civil penalty of \$500 if, within the 24 months
3 before the date of the department's notice under (m) of this section, the person, or an
4 agent or employee of the person while acting within the scope of the agency or
5 employment of the person, was convicted once of violating AS 11.76.100, 11.76.106,
6 or 11.76.107;

7 (3) 90 days and impose a civil penalty of \$1,000 if, within the 24
8 months before the date of the department's notice under (m) of this section, the person,
9 or an agent or employee of the person while acting within the scope of the agency or
10 employment of the person, was convicted twice of violating AS 11.76.100, 11.76.106,
11 or 11.76.107, or a provision of this section or a regulation implementing this section
12 adopted under AS 43.70.090; or

13 (4) one year and impose a civil penalty of \$2,500 if, within the 24
14 months before the date of the department's notice under (m) of this section, the person,
15 or an agent or employee of the person while acting within the scope of the agency or
16 employment of the person, was convicted more than twice of violating AS 11.76.100,
17 11.76.106, or 11.76.107.

18 * **Sec. 2.** AS 43.70 is amended by adding a new section to read:

19 **Sec. 43.70.077. Retail tobacco sales education course.** (a) As a condition of
20 issuance or renewal of a business license endorsement under AS 43.70.075, the
21 department shall require a person who offers tobacco products for retail sale and who
22 is required to hold a business license endorsement under AS 43.70.075 to complete a
23 tobacco sales education course approved by the department.

24 (b) Except as provided in this subsection, the subjects to be included in an
25 approved tobacco sales education course shall be determined under regulations
26 adopted by the department. At a minimum, an approved tobacco sales education
27 course must include

- 28 (1) requirements of state and federal law applicable to tobacco sales;
29 (2) proper procedures for checking identification and preventing sales
30 to underage persons; and
31 (3) health issues relating to tobacco use.

1 (c) A person who is required to hold a business license endorsement under
2 AS 43.70.075 shall

3 (1) complete the course required under (a) of this section not more than
4 30 days after being licensed or employed; and

5 (2) keep proof acceptable to the department of successful completion
6 of an approved tobacco sales education course on the licensed premises during
7 working hours.

8 (d) The department shall review an approved tobacco sales education course at
9 least once every three years.

10 (e) In this section, "person" includes an agent or employee of the person.

11 * **Sec. 3.** This Act takes effect January 1, 2004.