

**HOUSE BILL NO. 362**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE CHENAULT**

**Introduced: 1/12/04**

**Referred: Labor and Commerce, State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to restrictions on shipping or transporting cigarettes; and providing**  
2 **for an effective date."**

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

4 **\* Section 1.** AS 43.50.105(b) is amended to read:

5 (b) A person who is licensed under this chapter may not ship or cause to be  
6 shipped cigarettes to a person in this state unless the person receiving the cigarettes

7 (1) is licensed under this chapter;

8 (2) holds a tobacco endorsement under AS 43.70.075;

9 (3) is an operator of a customs bonded warehouse under 19 U.S.C.  
10 1311 or 19 U.S.C. 1555; [OR]

11 (4) is an instrumentality of the federal government or an Indian tribal  
12 organization authorized by law to possess cigarettes not taxed under this chapter; **or**

13 **(5) is an individual receiving the cigarettes for personal**  
14 **consumption and the tax imposed on the cigarettes under this chapter has been**

1        **paid.**

2        \* **Sec. 2.** AS 43.50.105(c) is amended to read:

3                (c) A common or contract carrier may not knowingly transport cigarettes to a  
4                person in this state unless the person

5                        (1) shipping the cigarettes is licensed under this chapter and, **before**  
6                **shipment,** provides the common or contract carrier with a copy of the person's current  
7                license issued by the department and **an affidavit from the intended recipient**  
8                **certifying that** the person receiving the cigarettes is a person described under **(b)(1) -**  
9                **(5)** [(b)(1) - (4)] of this section; or

10                      (2) receiving the cigarettes is a person described under (a)(2) or (3) of  
11                this section or is licensed under this chapter and, **before receipt,** provides the common  
12                or contract carrier with a copy of the person's current license issued by the department.

13        \* **Sec. 3.** AS 43.50.105(d) is amended to read:

14                (d) If the cigarettes are transported by a common or contract carrier to a home  
15                or residence, it is rebuttably presumed that the common or contract carrier knew that  
16                the person receiving the cigarettes was not a person described under **(b)(1) - (5)** [(b)(1)  
17                - (4)] of this section, **unless the person shipping the cigarettes has satisfied the**  
18                **requirements in (c)(1) of this section.**

19        \* **Sec. 4.** AS 43.50.105(e) is amended to read:

20                (e) A person, other than a common or contract carrier, may not knowingly  
21                transport cigarettes to a person in this state, unless the person receiving the cigarettes  
22                is a person described under **(b)(1) - (5)** [(b)(1) - (4)] of this section.

23        \* **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).