

HOUSE BILL NO. 123

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE CRAWFORD

Introduced: 2/7/07

Referred: Labor and Commerce, Finance

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 43.50.105(b) is amended to read:

31 (b) A person who is licensed under this chapter may not ship or cause to be

1 shipped cigarettes to a person in this state unless the person receiving the cigarettes

2 (1) is licensed under this chapter;

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

4 (3) is an operator of a customs bonded warehouse under 19 U.S.C.
5 1311 or 19 U.S.C. 1555;

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

8 (5) is an individual 21 [19] years of age or older receiving the
9 cigarettes for personal consumption and the tax imposed on the cigarettes under this
10 chapter has been paid.

11 * **Sec. 6.** AS 43.70.075(f) is amended to read:

12 (f) A person who holds a license endorsement issued under this section shall
13 post on the licensed premises a warning sign as described in this subsection. A
14 warning sign required by this subsection must be at least 6 inches by 18 inches and
15 must read, in lettering at least 1.25 inches high: "The sale of tobacco products to
16 persons under age 21 [19] is illegal." A person holding an endorsement issued under
17 this section shall display the sign in a manner conspicuous to a person purchasing or
18 consuming tobacco products on the licensed premises. The department shall, without
19 charge, furnish warning signs required under this section to a person who holds an
20 endorsement issued under this section or a person who requests the sign with the
21 intention of displaying it.

22 * **Sec. 7.** AS 47.12.030(b) is amended to read:

23 (b) When a minor is accused of violating a statute specified in this subsection,
24 other than a statute the violation of which is a felony, this chapter and the Alaska
25 Delinquency Rules do not apply and the minor accused of the offense shall be
26 charged, prosecuted, and sentenced in the district court in the same manner as an
27 adult; if a minor is charged, prosecuted, and sentenced for an offense under this
28 subsection, the minor's parent, guardian, or legal custodian shall be present at all
29 proceedings; the provisions of this subsection apply when a minor is accused of
30 violating

31 (1) a traffic statute or regulation, or a traffic ordinance or regulation of

1 a municipality;

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

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

5 (4) a parks and recreational facilities statute or regulation under
6 AS 41.21;

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

10 (6) a municipal curfew ordinance, whether adopted under
11 AS 29.35.085 or otherwise, unless the municipality provides for enforcement of its
12 ordinance under AS 29.25.070(b) by the municipality; in place of any fine imposed for
13 the violation of a municipal curfew ordinance, the court shall allow a defendant the
14 option of performing community work; the value of the community work, which may
15 not be lower than the amount of the fine, shall be determined under AS 12.55.055(c);
16 in this paragraph, "community work" includes the work described in AS 12.55.055(b)
17 or work that, on the recommendation of the municipal or borough assembly, city
18 council, or traditional village council of the defendant's place of residence, would
19 benefit persons within the municipality or village who are elderly or disabled.