

Original sponsors: Faiks and Binkley

1 IN THE SENATE BY THE HEALTH, EDUCATION AND
2 HOUSE CS FOR CS FOR SENATE BILL NO. 339 (HESS) SOCIAL SERVICES COMMITTEE
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FIFTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to tobacco products."
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
8 * Section 1. PURPOSE. AS 11.76.105, added by sec. 3 of this Act, makes
9 the purchase of cigarettes by persons under age 19 a violation. The sole
10 penalty for a violation is a fine. The amendment of AS 47.10.010(b), made
11 by sec. 4 of this Act, implements legislative intent. Because children's
12 proceedings do not provide for the imposition of fines, the amendment of AS
13 47.10.010(b) excludes these offenses from the juvenile jurisdiction of the
14 superior court, allowing the citation of minors and the imposition of fines
15 by the district court.
16 * Sec. 2. AS 11.76.100 is repealed and reenacted to read:
17 Sec. 11.76.100. SELLING OR GIVING TOBACCO TO A MINOR. (a) A
18 person commits the offense of selling or giving tobacco to a minor if
19 the person is 19 years of age or older and
20 (1) knowingly sells, exchanges, or gives a cigarette, a
21 cigar, tobacco, or a product containing tobacco to a person under 19
22 years of age; or
23 (2) maintains a vending machine that dispenses cigarettes,
24 cigars, tobacco, or products containing tobacco and that is accessible
25 to persons under 19 years of age.
26 (b) Notwithstanding the provisions of (a) of this section, a
27 person who maintains a vending machine is not in violation of (a)(2)
28 of this section if
29 (1) the vending machine is in a location that is generally

1 supervised by a person who maintains the vending machine, or an em-
2 ployee of the person, during the hours the machine is accessible;

3 (2) the vending machine is in a location where a person
4 under 21 years of age, other than an employee of the owner of the
5 premises, is not allowed entry by law unless accompanied by a parent,
6 guardian, or spouse of the person who is 21 years of age or older; or

7 (3) the vending machine is in a location where a person
8 under 19 years of age is not allowed entry by policy of the owner of
9 the premises unless accompanied by a person 19 years of age or older.

10 (c) In this section, a person maintains a vending machine if the
11 person owns the machine or owns or controls a facility in which the
12 machine is located.

13 (d) Selling or giving tobacco to a minor is a violation.

14 * Sec. 3. AS 11.76 is amended by adding a new section to read:

15 Sec. 11.76.105. PURCHASE OF TOBACCO BY A MINOR. (a) A person
16 under 19 years of age may not purchase a cigarette, a cigar, tobacco,
17 or a product containing tobacco in this state.

18 (b) Purchase of tobacco by a minor is a violation.

19 * Sec. 4. AS 47.10.010(b) is amended to read:

20 (b) When a minor is accused of violating a traffic statute or
21 regulation, a traffic ordinance or regulation of an incorporated
22 municipality, AS 11.76.105 relating to the purchase of tobacco by a
23 minor, a fish and game statute or regulation under AS 16, or a parks
24 and recreational facilities statute or regulation under AS 41.21,
25 excepting a statute the violation of which is a felony, the procedure
26 prescribed in AS 47.10.020 - 47.10.090 may not be followed, except
27 that a parent, guardian, or legal custodian shall be present at all
28 proceedings. The minor accused of an [A TRAFFIC] offense specified in
29 this subsection [, A FISH AND GAME STATUTE OR REGULATION VIOLATION

1 UNDER AS 16 OR PARKS AND RECREATIONAL FACILITIES VIOLATION UNDER
2 AS 41.21] shall be charged, prosecuted, and sentenced in the district
3 court in the same manner as an adult.