

BY BROWN, MENARD, HUDSON,  
KOPONEN, GRUENBERG, ELLIS,  
AND M. DAVIS

1 IN THE HOUSE

2

HOUSE BILL NO. 141

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to retail sale of tobacco, tobacco  
7 products, and devices for smoking tobacco."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 43.50.010(a) is amended to read:

10 (a) Unless licensed under this chapter, a [NO] person may not  
11 sell, purchase, possess, or acquire cigarettes as a manufacturer,  
12 distributor, direct-buying retailer, vending machine operator, or  
13 buyer, or sell cigarettes, cigars, tobacco, products containing tobac-  
14 co, or pipes or other devices for smoking tobacco as a retailer [WITH-  
15 OUT A LICENSE].

16 \* Sec. 2. AS 43.50.010(b) is amended to read:

17 (b) The department, upon application and payment of the fee,  
18 shall issue a license to each manufacturer, distributor, retailer,  
19 direct-buying retailer, vending machine operator, or buyer. The  
20 department shall adopt [MAKE] reasonable regulations which it consid-  
21 ers necessary in respect to the application for and the issuance of  
22 licenses.

23 \* Sec. 3. AS 43.50.010(c) is amended to read:

24 (c) The department may refuse to issue a license if there is  
25 reasonable cause to believe that the applicant has wilfully withheld  
26 information requested to determine the applicant's eligibility to  
27 receive a license, or if there is reasonable cause to believe that  
28 information submitted in the application is false or misleading and is  
29 not made in good faith. The department may not issue a license to a

1 person who, within the past five years, has been convicted of violat-  
2 ing AS 11.76.100.

3 \* Sec. 4. AS 43.50.010 is amended by adding a new subsection to read:

4 (f) Notwithstanding any other provision of law, the department  
5 may not issue a license under this section unless the fee required  
6 under AS 43.50.030 has been paid.

7 \* Sec. 5. AS 43.50.030 is repealed and reenacted to read:

8 Sec. 43.50.030. FEES. The fees for issuing or renewing a li-  
9 cense required by AS 43.50.010 are as follows:

- 10 (1) manufacturer ..... \$ 5;
- 11 (2) distributor or wholesaler distributor ..... \$50;
- 12 (3) vending machine operator ..... \$25;
- 13 (4) retailer ..... \$10;
- 14 (5) direct-buying retailer ..... \$25;
- 15 (6) buyer ..... \$25.

16 \* Sec. 6. AS 43.50.050 is amended to read:

17 Sec. 43.50.050. TRANSFER OF LICENSES. A license is not assign-  
18 able or transferable. [HOWEVER IN THE CASE OF DEATH, BANKRUPTCY,  
19 RECEIVERSHIP, OR INCOMPETENCY OF THE LICENSEE, OR IF THE BUSINESS OF  
20 THE LICENSEE IS TRANSFERRED TO ANOTHER BY OPERATION OF LAW, THE DE-  
21 PARTMENT MAY EXTEND THE LICENSE FOR A LIMITED TIME TO THE EXECUTOR,  
22 ADMINISTRATOR, TRUSTEE, RECEIVER, OR THE TRANSFEREE.]

23 \* Sec. 7. AS 43.50.070 is amended to read:

24 Sec. 43.50.070. REVOCATION OF LICENSES. The department may  
25 suspend or revoke a license issued under AS 43.50.010 - 43.50.180 (1)  
26 for violation of AS 11.76.100, AS 43.50.010 - 43.50.180, or a regula-  
27 tion of the department adopted under AS 43.50.010 - 43.50.180, or (2)  
28 if a licensee ceases to act in the capacity for which the license was  
29 issued. A [NO] person whose license is suspended or revoked may not

1        [SHALL] sell a product for which the license was issued [CIGARETTES]  
2        or permit a product for which the license was issued [CIGARETTES] to  
3        be sold during the period of the suspension or revocation on the  
4        premises occupied or controlled by that person. No disciplinary  
5        proceeding or action is barred or abated by the expiration, transfer,  
6        surrender, renewal, or extension of a license issued under AS 43.50.-  
7        010 - 43.50.180. The department shall comply with the provisions of  
8        the Administrative Procedure Act (AS 44.62).