

Offered: 4/10/89  
Referred: Rules

6-0270J

Original sponsors: Brown, Menard,  
Hudson, et al.

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 141 (Finance)  
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 tobacco and products containing  
7 tobacco."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. AS 11.76.100 is amended by adding a new subsection to  
10 read:  
11 (e) The court shall forward a record of each person convicted  
12 under this section who holds a business license endorsement under  
13 AS 43.70.075, to the Department of Commerce and Economic Development.  
14 \* Sec. 2. AS 43.50.070 is amended to read:  
15 Sec. 43.50.070. REVOCATION OF LICENSES. The department may  
16 suspend or revoke a license issued under AS 43.50.010 - 43.50.180 (1)  
17 for violation of AS 11.76.100, AS 43.50.010 - 43.50.180, or a regula-  
18 tion of the department adopted under AS 43.50.010 - 43.50.180; [, OR]  
19 (2) if a licensee ceases to act in the capacity for which the license  
20 was issued; or (3) if a manufacturer, distributor, or wholesale dis-  
21 tributor negligently sells tobacco or products containing tobacco to a  
22 nonlicensed retailer or a retailer whose license endorsement under  
23 AS 43.70.075 has been suspended or revoked. A [ . NO ] person whose  
24 license is suspended or revoked may not [SHALL] sell cigarettes or  
25 permit cigarettes to be sold during the period of the suspension or  
26 revocation on the premises occupied or controlled by that person. A  
27 [NO] disciplinary proceeding or action is not barred or abated by the  
28 expiration, transfer, surrender, renewal, or extension of a license  
29 issued under AS 43.50.010 - 43.50.180. The department shall comply

1 with the provisions of the Administrative Procedure Act (AS 44.62).

2 \* Sec. 3. AS 43.70 is amended by adding a new section to read:

3 Sec. 43.70.075. LICENSE ENDORSEMENT. (a) Unless a person has a  
4 business license endorsement issued under this section, a person may  
5 not sell cigarettes, cigars, tobacco, or products containing tobacco  
6 as a retailer. An endorsement required under this section is in  
7 addition to any other license or endorsement required by law.

8 (b) The department, upon payment of a fee of \$25, shall issue a  
9 business license endorsement to a person who applies for a business  
10 license under this chapter, and may renew the endorsement issued under  
11 this subsection for a fee of \$25. The endorsement expires at the same  
12 time as the license to which it attaches.

13 (c) The department may refuse to issue an endorsement under this  
14 section if there is reasonable cause to believe that the information  
15 submitted in the application is false or misleading and is not made in  
16 good faith.

17 (d) If a person who holds an endorsement issued under this  
18 section has been convicted of violating AS 11.76.100, or violates a  
19 provision of this section or a regulation implementing this section  
20 adopted under AS 43.70.090, the department shall suspend the endorse-  
21 ment for a period of

22 (1) 45 days; or

23 (2) 90 days, if within the past 24 months the person has  
24 been previously convicted of violating AS 11.76.100, or a provision of  
25 this section or a regulation implementing this section adopted under  
26 AS 43.70.090.

27 \* Sec. 4. APPLICABILITY. The business license endorsement requirement  
28 imposed under AS 43.70.075(a), added by sec. 3 of this Act, applies only  
29 upon issuance or renewal of a business license required under AS 43.70.020.