

Original sponsor(s): REP. BROWN, Menard, Hudson, Koponen, Gruenberg,  
Ellis, M.Davis

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 141 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND 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(a) is amended to read:

10 (a) Except as provided in (f) of this section, a [A] person  
11 commits the offense of selling or giving tobacco to a minor if the  
12 person is 19 years of age or older and

13 (1) knowingly sells, exchanges, or gives a cigarette, a  
14 cigar, tobacco, or a product containing tobacco to a person under 19  
15 years of age; or

16 (2) maintains a vending machine that dispenses cigarettes,  
17 cigars, tobacco, or products containing tobacco and that is accessible  
18 to persons under 19 years of age.

19 \* Sec. 2. AS 11.76.100 is amended by adding new subsections to read:

20 (e) The court shall forward a record of each person convicted  
21 under this section who holds a business license endorsement under  
22 AS 43.70.075, or who is an employee or agent of a person who holds a  
23 license endorsement under AS 43.70.075 to the Department of Commerce  
24 and Economic Development.

25 (f) The provisions of (a) of this section do not apply to a  
26 person who sells or gives tobacco to a minor, if the minor is a  
27 prisoner at an adult correctional facility.

28 \* Sec. 3. AS 11.76.105 is amended to read:

29 Sec. 11.76.105. POSSESSION [PURCHASE] OF TOBACCO BY A MINOR.

1 (a) A person under 19 years of age may not knowingly possess [PUR-  
2 CHASE] a cigarette, a cigar, tobacco, or a product containing tobacco  
3 in this state. This subsection does not apply to a person who is a  
4 prisoner at an adult correctional facility.

5 (b) Possession [PURCHASE] of tobacco by a minor is a violation.

6 \* Sec. 4. AS 43.50.070 is amended to read:

7 Sec. 43.50.070. REVOCATION OF LICENSES. The department may  
8 suspend or revoke a license issued under AS 43.50.010 - 43.50.180 (1)  
9 for violation of AS 11.76.100, AS 43.50.010 - 43.50.180, or a regula-  
10 tion of the department adopted under AS 43.50.010 - 43.50.180; [, OR]  
11 (2) if a licensee ceases to act in the capacity for which the license  
12 was issued; or (3) if a manufacturer, distributor, or wholesale dis-  
13 tributor negligently sells tobacco or products containing tobacco to a  
14 nonlicensed retailer or a retailer whose license endorsement under  
15 AS 43.70.075 has been suspended. A [ . NO] person whose license is  
16 suspended or revoked may not [SHALL] sell cigarettes or permit ciga-  
17 rettes to be sold during the period of the suspension or revocation on  
18 the premises occupied or controlled by that person. A [NO] disciplin-  
19 ary proceeding or action is not barred or abated by the expiration,  
20 transfer, surrender, renewal, or extension of a license issued under  
21 AS 43.50.010 - 43.50.180. The department shall comply with the provi-  
22 sions of the Administrative Procedure Act (AS 44.62).

23 \* Sec. 5. AS 43.70 is amended by adding a new section to read:

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

29 (b) The department, upon payment of a fee of \$25, shall issue a

1 business license endorsement to a person who applies for a business  
2 license under this chapter, and may renew the endorsement issued under  
3 this subsection for a fee of \$25. The endorsement expires at the same  
4 time as the license to which it attaches.

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

9 (d) If a person who holds an endorsement issued under this  
10 section, or an agent or an employee of a person who holds an endorse-  
11 ment issued under this section acting within the scope of the agency  
12 or employment, has been convicted of violating AS 11.76.100, or vio-  
13 lates a provision of this section or a regulation implementing this  
14 section adopted under AS 43.70.090, the department shall suspend the  
15 endorsement for a period of

16 (1) 45 days; or

17 (2) 90 days, if within the past 24 months the person has  
18 been previously convicted of violating AS 11.76.100, or a provision of  
19 this section or a regulation implementing this section adopted under  
20 AS 43.70.090.

21 (e) If a person who receives an endorsement under this section  
22 has multiple retail outlets, a suspension imposed under (d) of this  
23 section applies only to the retail outlet in which the violation  
24 occurs.

25 \* Sec. 6. AS 47.10.010(b) is amended to read:

26 (b) When a minor is accused of violating a traffic statute or  
27 regulation, a traffic ordinance or regulation of an incorporated  
28 municipality, AS 11.76.105 relating to the possession [PURCHASE] of  
29 tobacco by a minor, a fish and game statute or regulation under AS 16,

1 or a parks and recreational facilities statute or regulation under  
2 AS 41.21, excepting a statute the violation of which is a felony, the  
3 procedure prescribed in AS 47.10.020 - 47.10.090 may not be followed,  
4 except that a parent, guardian, or legal custodian shall be present at  
5 all proceedings. The minor accused of an offense specified in this  
6 subsection shall be charged, prosecuted, and sentenced in the district  
7 court in the same manner as an adult.

8 \* Sec. 7. APPLICABILITY. The business license endorsement requirement  
9 imposed under AS 43.70.075(a), added by sec. 5 of this Act, applies only  
10 upon issuance or renewal of a business license required under AS 43.70.020.