

HOUSE BILL NO. 84

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES BROWN, Ellis

Introduced: 1/30/91

Referred: Labor and Commerce, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the sale, exchange, or giving of tobacco and tobacco products."

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

3 * Section 1. FINDINGS. The legislature finds that

4 (1) smoking is responsible for the largest preventable cause of premature death and
5 disability in the United States and responsible for 390,000 deaths annually, nearly one person each
6 minute;

7 (2) the use of cigarettes causes more premature death than AIDS, the use of heroin,
8 cocaine, alcohol, fire, automobile accidents, homicides, and suicides combined;

9 (3) it has been estimated that approximately 1,000,000,000 packs of cigarettes are sold
10 illegally to children in this country each year;

11 (4) each year in the state, there are approximately 1,360 person-years of potential life lost
12 as a result of smoking-attributable deaths with direct and indirect costs in excess of \$100,000,000 due
13 to smoking-related death and disability, contributing to a national cost of about \$52,000,000,000 a year,
14 and

1 (5) young residents of the state are particularly at risk because 90 percent of smokers
2 begin cigarette addiction before they reach the age of 19, the legal smoking age in the state, and the
3 younger the age at which one begins to smoke, the more likely that a person will become a long-term
4 smoker and develop smoking-related diseases.

5 * Sec. 2. AS 11.76.100(a) is amended to read:

6 (a) A person commits the offense of selling or giving tobacco to a minor if the person is
7 19 years of age or older and

8 [(1) KNOWINGLY] sells, exchanges, or gives a cigarette, a cigar, tobacco, or a
9 product containing tobacco to a person under 19 years of age [; OR

10 (2) MAINTAINS A VENDING MACHINE THAT DISPENSES CIGARETTES,
11 CIGARS, TOBACCO, OR PRODUCTS CONTAINING TOBACCO AND THAT IS
12 ACCESSIBLE TO PERSONS UNDER 19 YEARS OF AGE].

13 * Sec. 3. AS 11.76.100(d) is amended to read:

14 (d) Selling or giving tobacco to a minor is a violation and upon conviction is punishable
15 by a fine of not less than \$300.

16 * Sec. 4. AS 11.76 is amended by adding a new section to read:

17 Sec. 11.76.107. SALE OF TOBACCO PRODUCTS BY VENDING MACHINE
18 PROHIBITED. (a) A person may not sell cigarettes, cigars, tobacco, or tobacco products by
19 vending machine or permit the sale of cigarettes, cigars, tobacco, or tobacco products by vending
20 machine on property owned by the person.

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

25 (c) A person who violates this section is guilty of a violation and shall be punished by
26 a fine of not less than \$300.

27 * Sec. 5. AS 43.50.010(a) is amended to read:

28 (a) A person may not sell, purchase, possess, or acquire cigarettes as a manufacturer,
29 distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer without a
30 license.

31 * Sec. 6. AS 43.50.010(b) is amended to read:

1 (b) The department, upon application and payment of the fee, shall issue a license to each
2 manufacturer, distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer.
3 The department shall adopt reasonable regulations that it considers necessary in respect to the
4 application for and the issuance of licenses.

5 * Sec. 7. AS 43.50.010 is amended by adding a new subsection to read:

6 (f) A person who holds a license issued under this section shall post on the licensed
7 premises a warning sign as described in this subsection. A warning sign required by this
8 subsection must be at least 11 inches by 14 inches and must read, in lettering at least one-half
9 inch high, "WARNING: Tobacco products are highly addictive. The sale of tobacco products
10 to persons under age 19 is illegal." The sign shall also include a depiction of a pack of cigarettes
11 at least two inches high defaced by a red diagonal diameter within a surrounding red circle. A
12 person holding a license issued under this section shall display the sign in a manner conspicuous
13 to a person purchasing or consuming tobacco products on the licensed premises. The department
14 shall, without charge, furnish warning signs required under this section to a person licensed under
15 this section or a person who requests the sign with the intention of displaying it.

16 * Sec. 8. AS 43.50.020 is amended to read:

17 Sec. 43.50.020. SEPARATE LICENSES. If a person operates more than one place of
18 business, the person shall [MUST] obtain a separate license for each place of business [,
19 EXCEPT THAT A PERSON OPERATING ONE OR MORE CIGARETTE VENDING
20 MACHINES IS CONSIDERED TO HAVE ONLY ONE PLACE OF BUSINESS FOR THE
21 PURPOSE OF A LICENSE UNDER AS 43.50.010 - 43.50.180]. A person licensed only as a
22 manufacturer, distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer
23 may not operate in another capacity unless the appropriate license for it is first secured. Each
24 license shall be exhibited at the place of business for which it is issued and in the manner
25 prescribed by the department.

26 * Sec. 9. AS 43.50.070 is amended to read:

27 Sec. 43.50.070. REVOCATION OF LICENSES. The department may suspend or revoke
28 a license issued under AS 43.50.010 - 43.50.180 (1) for a criminally negligent violation of
29 AS 11.76.100, or 11.76.107, or a violation of AS 43.50.010 - 43.50.180 or a regulation of the
30 department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the
31 capacity for which the license was issued; or (3) if a manufacturer, distributor, or wholesale

1 distributor negligently sells tobacco or products containing tobacco to a nonlicensed retailer or
2 a retailer whose license endorsement under AS 43.70.075 has been suspended. A person whose
3 license is suspended or revoked may not sell cigarettes or permit cigarettes to be sold during the
4 period of the suspension or revocation on the premises occupied or controlled by that person. A
5 disciplinary proceeding or action is not barred or abated by the expiration, transfer, surrender,
6 renewal, or extension of a license issued under AS 43.50.010 - 43.50.180. The department shall
7 comply with the provisions of the Administrative Procedure Act (AS 44.62).

8 * Sec. 10. AS 11.76.100(b), 11.76.100(c), and AS 43.50.030(c) are repealed.

9 * Sec. 11. The supreme court shall include on a schedule of bail amounts the fines established under
10 AS 11.76.100(d) and 11.76.107(c) for a violation of those sections.