

**CS FOR HOUSE BILL NO. 84 (JUDICIARY)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 3/27/91**  
**Referred: Finance**

**Sponsor(s): REPRESENTATIVES BROWN, Ellis, B.Davis**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the offense of selling or giving tobacco to a minor; prohibiting sale  
2 of tobacco products by vending machine; requiring certain retailers to post a tobacco  
3 warning sign; and relating to the suspension or revocation of a license to sell, purchase,  
4 possess, or acquire cigarettes."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1. FINDINGS.** The legislature finds that

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

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

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

14 (4) each year in the state, there are approximately 1,360 person-years of potential life lost

1 as a result of smoking-attributable deaths with direct and indirect costs in excess of \$100,000,000 due  
2 to smoking-related death and disability, contributing to a national cost of about \$52,000,000,000 a year;  
3 and

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

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

9 (a) A person commits the offense of selling or giving tobacco to a minor if the person is  
10 19 years of age or older and negligently

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

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

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

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

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

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

24 (b) The court shall forward to the Department of Commerce and Economic Development  
25 a record of each person convicted under this section.

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

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

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

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

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

6 \* Sec. 7. AS 43.50.020 is amended to read:

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

16 \* Sec. 8. AS 43.50.070 is amended to read:

17 Sec. 43.50.070. REVOCATION OF LICENSES. The department may suspend or revoke  
18 a license issued under AS 43.50.010 - 43.50.180 (1) for a criminally negligent violation of  
19 AS 11.76.100, or 11.76.107, or a violation of AS 43.50.010 - 43.50.180 or a regulation of the  
20 department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the  
21 capacity for which the license was issued; or (3) if a manufacturer, distributor, or wholesale  
22 distributor negligently sells tobacco or products containing tobacco to a nonlicensed retailer or  
23 a retailer whose license endorsement under AS 43.70.075 has been suspended. A person whose  
24 license is suspended or revoked may not sell cigarettes or permit cigarettes to be sold during the  
25 period of the suspension or revocation on the premises occupied or controlled by that person. A  
26 disciplinary proceeding or action is not barred or abated by the expiration, transfer, surrender,  
27 renewal, or extension of a license issued under AS 43.50.010 - 43.50.180. The department shall  
28 comply with the provisions of the Administrative Procedure Act (AS 44.62).

29 \* Sec. 9. AS 43.70.075(d) is amended to read:

30 (d) If a person who holds an endorsement issued under this section, or an agent or an  
31 employee of a person who holds an endorsement issued under this section acting within the scope

1 of the agency or employment, has been convicted of violating AS 11.76.100 or 11.76.107, or  
2 violates a provision of this section or a regulation implementing this section adopted under  
3 AS 43.70.090, the department shall suspend the endorsement for a period of

4 (1) 45 days; or

5 (2) 90 days, if within the past 24 months the person has been previously convicted  
6 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
7 implementing this section adopted under AS 43.70.090.

8 \* Sec. 10. AS 43.70.075 is amended by adding a new subsection to read:

9 (f) A person who holds an endorsement issued under this section shall post on the  
10 licensed premises a warning sign as described in this subsection. A warning sign required by this  
11 subsection must be at least 11 inches by 14 inches and must read, in lettering at least one-half  
12 inch high, "WARNING: Tobacco products are highly addictive. Cigarettes cause lung disease  
13 and cancer. Smoking during pregnancy can result in fetal injury, premature birth, and low birth  
14 weight. The sale of tobacco products to persons under age 19 is illegal." The sign must also  
15 include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal  
16 diameter within a surrounding red circle. A person holding an endorsement issued under this  
17 section shall display the sign in a manner conspicuous to a person purchasing or consuming  
18 tobacco products on the licensed premises. The department shall, without charge, furnish  
19 warning signs required under this subsection to a person who holds an endorsement issued under  
20 this section or a person who requests the sign with the intention of displaying it.

21 \* Sec. 11. AS 11.76.100(b), 11.76.100(c), and AS 43.50.030(c) are repealed.

22 \* Sec. 12. The supreme court shall include on a schedule of bail amounts the fines established under  
23 AS 11.76.100(d) and 11.76.107(c) for a violation of those sections.