

CS FOR HOUSE BILL NO. 84 (2d FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 1/29/92  
Referred: Rules

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; requiring certain  
2 retailers to post a tobacco warning sign; relating to the suspension or revocation of a  
3 license to sell, purchase, possess, or acquire cigarettes; and relating to supervision of  
4 cigarette vending machines."

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  
10 is 19 years of age or older and

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

13 (2) maintains a vending machine that dispenses cigarettes, cigars, tobacco, or  
14 products containing tobacco [AND THAT IS ACCESSIBLE TO PERSONS UNDER 19 YEARS  
15 OF AGE].

16 \* Sec. 3. AS 11.76.100(b) is repealed and reenacted to read:

17 (b) Notwithstanding the provisions of (a) of this section, a person who maintains a  
18 vending machine is not in violation of (a)(2) of this section if the vending machine is

19 (1) located on premises licensed as a beverage dispensary under AS 04.11.090  
20 or licensed as a club under AS 04.11.110;

21 (2) located at least 25 feet from the nearest exit from the licensed premises; the  
22 requirement in this paragraph does not apply to a fire or emergency exit; and

23 (3) in a location that is directly and continually supervised by a person employed  
24 on the licensed premises during the hours the vending machine is accessible to the public.

25 \* Sec. 4. AS 11.76.100(d) is amended to read:

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

28 \* Sec. 5. AS 11.76 is amended by adding a new section to read:

29 Sec. 11.76.107. FAILURE TO SUPERVISE CIGARETTE VENDING MACHINE. (a)

30 A person commits the offense of failure to supervise a cigarette vending machine if the person  
31 owns premises licensed as a beverage dispensary under AS 04.11.090 or licensed as a club under

1 AS 04.11.110 and with criminal negligence fails to have an employee supervise a vending  
2 machine on those premises that dispenses cigarettes, cigars, tobacco, or products containing  
3 tobacco as required by AS 11.76.100(b)(3).

4 (b) Failure to supervise a vending machine is a violation and upon conviction is  
5 punishable by a fine of not less than \$300.

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

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

19 \* Sec. 7. AS 43.70.075(d) is amended to read:

20 (d) If a person who holds an endorsement issued under this section, or an agent or an  
21 employee of a person who holds an endorsement issued under this section acting within the scope  
22 of the agency or employment, has been convicted of violating AS 11.76.100 or 11.76.107, or  
23 violates a provision of this section or a regulation implementing this section adopted under  
24 AS 43.70.090, the department shall suspend the endorsement for a period of

25 (1) 45 days; or

26 (2) 90 days, if within the past 24 months the person has been previously convicted  
27 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
28 implementing this section adopted under AS 43.70.090.

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

30 (f) A person who holds a license endorsement issued under this section shall post on the  
31 licensed premises a warning sign as described in this subsection. A warning sign required by this

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

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