

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

BY THE HOUSE FINANCE COMMITTEE

Amended: 2/28/92  
Offered: 1/29/92

Sponsor(s): REPRESENTATIVES BROWN, Ellis, B.Davis, Lincoln, C.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 AS 11.76.100(b) is repealed and reenacted to read: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 located

19 (1) on premises licensed as a beverage dispensary under AS 04.11.090, licensed  
20 as a club under AS 04.11.110, or licensed as a package store under AS 04.11.150; and

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

23 (B) in a place that is directly and continually supervised by a person  
24 employed on the licensed premises during the hours the vending machine is accessible  
25 to the public; or

26 (2) in an employee break room or other controlled area of a private work place  
27 not open to the public and not accessible to a person under age 19 and the location is approved  
28 by the commissioner of health and social services.

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

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

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

2           Sec. 11.76.107. FAILURE TO SUPERVISE CIGARETTE VENDING MACHINE. (a)  
3 A person commits the offense of failure to supervise a cigarette vending machine if the person  
4 owns premises licensed as a beverage dispensary under AS 04.11.090 or licensed as a club under  
5 AS 04.11.110 or licensed as a package store under AS 04.11.150 and with criminal negligence  
6 fails to have an employee supervise a vending machine on those premises that dispenses  
7 cigarettes, cigars, tobacco, or products containing tobacco as required by AS 11.76.100(b)(1)(B).

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

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

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

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

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

29                   (1) 45 days; or

30                   (2) 90 days, if within the past 24 months the person has been previously convicted  
31 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation

1 implementing this section adopted under AS 43.70.090.

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

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

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