

SENATE CS FOR CS FOR HOUSE BILL NO. 84 (L&C)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE LABOR AND COMMERCE COMMITTEE

Offered: 4/17/92  
Referred: Judiciary

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 AS 11.76.100(b) is repealed and reenacted to read: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) as far as practicable from the primary entrance; and

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

25 (2) in an employee break room or other controlled area of a private work place  
26 not open to the public.

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

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

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

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

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

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

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

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

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

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

27 (1) 45 days; or

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

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

1           (f) A person who holds a license endorsement issued under this section shall post on the  
2 licensed premises a warning sign as described in this subsection. A warning sign required by this  
3 subsection must be at least 6 inches by 18 inches and must read, in lettering at least 1.25 inches  
4 high: "The sale of tobacco products to persons under age 19 is illegal." A person holding an  
5 endorsement issued under this section shall display the sign in a manner conspicuous to a person  
6 purchasing or consuming tobacco products on the licensed premises. The department shall,  
7 without charge, furnish warning signs required under this section to a person who holds an  
8 endorsement issued under this section or a person who requests the sign with the intention of  
9 displaying it.

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