

SENATE CS FOR CS FOR HOUSE BILL NO. 84 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 5/9/92

Referred: Rules

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. AS 11.76.100(a) is amended to read:

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

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

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

14 \* Sec. 2. AS 11.76.100(b) is repealed and reenacted to read:

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

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

5 (A) as far as practicable from the primary entrance; and

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

9 (2) in an employee break room or other controlled area of a private work place  
10 that is not generally considered a public place.

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

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

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

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

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

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

23 (c) In this section, "supervise" means reasonably monitor the use of.

24 \* Sec. 5. AS 43.50.070 is amended to read:

25 Sec. 43.50.070. REVOCATION OF LICENSES. The department may suspend or revoke  
26 a license issued under AS 43.50.010 - 43.50.180 (1) for a criminally negligent violation of  
27 AS 11.76.100, 11.76.107 or a violation of AS 43.50.010 - 43.50.180 or a regulation of the  
28 department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the  
29 capacity for which the license was issued; or (3) if a manufacturer, distributor, or wholesale  
30 distributor negligently sells tobacco or products containing tobacco to a nonlicensed retailer or  
31 a retailer whose license endorsement under AS 43.70.075 has been suspended. A person whose

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

6 \* Sec. 6. AS 43.70.075(d) is amended to read:

7 (d) If a person who holds an endorsement issued under this section, or an agent or an  
8 employee of a person who holds an endorsement issued under this section acting within the scope  
9 of the agency or employment, has been convicted of violating AS 11.76.100 or 11.76.107, or  
10 violates a provision of this section or a regulation implementing this section adopted under  
11 AS 43.70.090, the department may [SHALL.] suspend the endorsement for a period of not more  
12 than

13 (1) 45 days; or

14 (2) 90 days, if within the past 24 months the person has been previously convicted  
15 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
16 implementing this section adopted under AS 43.70.090.

17 \* Sec. 7. AS 43.70.075 is amended by adding a new subsection to read:

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

27 \* Sec. 8. The supreme court shall include on a schedule of bail amounts the fine established under  
28 AS 11.76.100(d) and 11.76.107(b) for a violation of those sections.