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# Alaska State Legislature

SENATE

*Office of the President*

P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3755

## MEMORANDUM

March 31, 1988

TO: Representative Niilo Koponen, Co-Chair  
Representative Johnny Ellis, Co-Chair  
House HESS Committee

FROM: Senator Jan Faiks  
President of the Senate

SUBJECT: CSSB 339 (Jud) am "An Act relating to tobacco products."

Senate Bill 339 has been referred to the House HESS Committee for consideration. This bill proposes changes to the laws regulating the sale of tobacco products to minors.

Under current law, a person 19 years of age or older commits a violation if the person sells or gives cigars, cigarettes or tobacco to a person under 16 years of age.

There are several problems with current law. First, it only covers cigars, cigarettes and tobacco. It does not clearly prohibit adults from providing tobacco products such as snuff or certain other types of smokeless tobacco to underage individuals. As you know, these products are increasingly popular with our youth, and they pose clear health risks, such as cancer of the mouth, tongue and throat, as well as gum disease.

Second, while current law prohibits adults from providing tobacco to underage persons, it allows vending machines to dispense tobacco products. The predictable result of this is that most teenagers who smoke cigarettes obtain them from vending machines.

Third, current law allows the sale of tobacco to minors 16, 17 and 18 years of age. The problem with this is that fully 90% of all adults who smoke began smoking before the age of 19. If a person can make it to age 19 without acquiring the smoking habit, probably he or she never will.

Fourth, while current law prohibits adults from providing tobacco to underage persons, it does not prohibit minors from purchasing tobacco. Minors know that they can use vending machines and deceive store clerks about their age with impunity, since there is no penalty if they are

caught.

CSSB 339 (Jud) am proposes to correct this situation.

Section 1. Repeals AS 11.76.100, and reenacts it as follows:

AS 11.76.100(a)(1): A person commits the offense of selling tobacco to a minor if the person knowingly sells, exchanges or gives a cigarette, a cigar, tobacco or a product containing tobacco to a person under 19 years of age.

AS 11.76.100(a)(2): A person commits the offense of selling tobacco to a minor if the person maintains a vending machine that dispenses cigarettes, cigars, tobacco or tobacco products and that is accessible to persons under the age of 19.

AS 11.76.100(b)(1): A person who maintains a vending machine is not in violation of this statute if the machine is in a location that is generally supervised by a person who maintains the machine, during the hours the machine is accessible. As an example, a vending machine in the lobby of a hotel within sight of the desk clerk, or a vending machine in the entrance of a restaurant within sight of the cashier, would be lawful. However, a completely unsupervised machine, such as the one in the Capitol Building, would be prohibited.

AS 11.76.100(b)(2): A person who maintains a vending machine is not in violation of this statute if the machine is located in a bar.

AS 11.76.100(b)(3): A person who maintains a vending machine is not in violation of this statute if the machine is located in a place where a person under the age of 19 is not allowed entry by policy of the owner of the premises unless accompanied by a person 19 years of age or older. This will allow canneries and other businesses to place vending machines in smoking rooms which are off limits to underage employees.

AS 11.76.100(c): A person "maintains" a vending machine if the person owns the machine, or owns or controls the premises in which the machine is located.

AS 11.76.100(d): Selling or giving tobacco to a minor is a violation.

Section 2. Adds a new section to AS 11.76 as follows:

AS 11.76.105: A person under 19 years of age commits a violation if the person purchases cigarettes, cigars, tobacco or a product containing tobacco.

As with any drug, there are hard-core users and marginal users of tobacco. Easy access to tobacco increases use among young people, many of whom are marginal users. Any barriers we can erect to easy access will strip off a layer of these marginal users. By raising the age of persons to whom stores can sell tobacco, and by eliminating the completely unsupervised vending machine, this bill will make it more difficult for

minors to obtain tobacco, and will thus ensure that many marginal users will give up smoking, or will never start.

Please feel free to contact my office if you have any comments or questions.

Thank you.

## Elementary Education

# Lay Public Ignorant of Drug Prevention Success

by Mark S. Gold, M.D.

**E**veryone has an opinion about drug prevention. Some experts and journalists declare that prevention is impossible. Parents, acting on this theory, "look the other way" when their children "borrow" their liquor or return home smelling of alcohol or obviously having smoked marijuana.

Other parents, believing drug use to be inevitable and part of "normal" adolescence, try to procure the best, "clean" marijuana for their children, or they use drugs with their children. When drug use is considered by some experts to be normal, primary prevention becomes all the more difficult.

Primary prevention means prevention of drug use. To understand how primary prevention can work, we should study how it is already working. Lost in the shuffle of drug abuse statistics is the fact that 49 percent of United States high school seniors do not use, and have never used, marijuana. Eighty-three percent of high school seniors have never tried cocaine, even once, and 99 percent have never tried heroin!

Illicit drugs break down primary prevention efforts by pretending to be normative, but the use of them by the nation's young people is a real problem; it is neither normative nor normal.

A simple equation for conceptualization of prevention is: drug use/abuse/addiction = exposure X predisposition. Predisposition is the vulnerability to use and/or develop abnormal patterns of use when exposed to a particular drug. Predisposition is comprised of complex psychosocial and biological factors.

The vulnerability to develop alcoholism and abnormal use is inherited. The genetic predisposition is a biological (physical) vulnerability that is transmitted from parents to offspring. Evidence is growing

that the genetic predisposition for alcohol extends to other drugs such as cocaine and marijuana.

The majority of alcoholics under the age of 30 are addicted to at least one other drug, most often marijuana and followed by cocaine. Cigarettes also may be included in this vulnerability since nicotine is a drug and cigarettes are commonly used by alcohol/drug users. The biological vulnerability most likely resides in the brain, and drug

To prevent marijuana use we must prevent cigarette and alcohol use.

(and/or alcohol) addiction is in part a neurological disease.

To prevent marijuana use we must prevent cigarette and alcohol use. To prevent cocaine use we must prevent cigarette, alcohol, and marijuana use. With 91 percent of high school seniors having tried alcohol—85 percent using in the past year, 65 percent using in the past month, and 4.8 percent using every day—it is obvious where secondary prevention efforts should be focused.

Prevention efforts have been somewhat successful in reducing cigarette smoking among adults and new adolescent smokers. From a peak in 1976 of 76 percent of high school seniors having ever tried a cigarette in their lifetime, currently 68 percent have ever tried smoking. Daily cigarette smoking among high school seniors has dropped during this decade from 28.8 percent to 18.7 percent.

Secondary prevention requires early identification and interven-



tion. Early identification can be made by a pediatrician at an annual physical, or it can be made during a sports physical by the use of urinalysis.

Education with outpatient recovery programs can quickly help a drug-using adolescent and co-dependents when the diagnosis is made at an early phase of the illness.

Prevention programs in the schools should begin early in elementary schools with discussions of the body, the difference between medicine and drugs, and the proper way to fill, use, and discard prescription drugs. Shortly thereafter, the health effects of cigarette smoking and alcohol consumption should be stressed; this should include a discussion of the reasons why people start drinking or smoking. Children should be encouraged to help their parents stop smoking.

Educational prevention is the most effective when focusing elementary education first on cigarettes, then alcohol, then marijuana. Antidrug messages should be reinforced in biology and other subjects. The drug curricula should continue through senior high school, with an increase in experiential learning and exposure to real-life victims of addiction.

Children at risk (e.g. children with a family history of addiction, etc.) should be identified and receive additional individual and family prevention information. While drug prevention is not as precise a science as we would like, it is a lot more effective than professionals or the lay public recognize.

Mark S. Gold, M.D., is the author of the new "Facts About Drugs and Alcohol," Bantam Books, 1987.



# **SMOKING AND HEALTH**

## A NATIONAL STATUS REPORT

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A Report to Congress

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Centers for Disease Control

Center for Health Promotion and Education

Office on Smoking and Health

Rockville, Maryland 20857

HHS/PHS/CDC - 87-8396

the program. Connecticut law dictates that universities that train teachers must provide instruction on the effects of nicotine and tobacco use on health, character, citizenship, and personality development and the best methods for instructing students on these topics. Connecticut will not grant a certificate to teach or supervise in any public school to any person who has not passed an examination on the effects of nicotine and tobacco use.

California and Florida have no specific statutory provisions for mandatory instruction on the effects of tobacco use in elementary and secondary schools. Both states, however, require that upon adoption of instructional materials for use in the schools, school boards shall include only instructional materials that portray accurately the physical effects of tobacco use.

Florida's Cancer Control and Research Act provides that proven causes of cancer, including smoking, should be publicized and made the subject of educational programs for the prevention of cancer. These programs will be made available to all citizens of the state.

The Iowa and Louisiana legislatures have taken a hard line on the use of tobacco products by students in public schools. In Iowa, the school board may suspend or expel any student who violates the rule prohibiting the use of tobacco. In Louisiana, school principals are authorized to suspend any student who uses tobacco in school buildings, on school grounds, or in school buses.

#### Regulation of Sale to and Use of Tobacco Products by Minors

The sale or distribution of cigarettes or tobacco products to minors is regulated by 39 jurisdictions. Missouri and South Dakota impose no restrictions at the state level, but permit cities, towns, and municipalities to enact ordinances prohibiting the sale to or use of cigarettes by minors or both. The only states that do not regulate the sale or distribution of tobacco products to minors are Colorado, Georgia, Kentucky, Louisiana, Montana, New Hampshire, New Mexico, Virginia, Wisconsin, and Wyoming.

Indiana, Kansas, New York, and Oregon prohibit only the sale of cigarettes to minors. The other state statutes have much broader prohibitive language and randomly outlaw the sale or furnishing (or both) of cigars, cigarettes, snuff, chewing tobacco, smoking material, and tobacco in any form to minors. (See Table 5.)

Twenty-one states also prohibit the sale or furnishing of cigarette wrapping papers and other smoking paraphernalia to minors.

The majority of states prohibiting the sale of cigarettes or other tobacco products to minors define a minor as anyone under the age of 18 years. Ten jurisdictions define a minor as anyone under the age of 16 years, and four define a minor as 17 years of age or younger. At the two extremes are Hawaii, which prohibits the sale of tobacco products to anyone under the age of 15 years, and Alabama and Utah, which prohibit such sales to anyone under the age of 19 years. (See Table 6.)

Table 5. Restrictions on Sale or Distribution of Cigarettes or Other Tobacco Products to Minors

State	TYPES OF DISTRIBUTION				
	Sell	Give	Distribute/ Furnish	Deliver	Provide
Alabama	X	X			
Alaska	X	X			
Arizona	X	X	X		
Arkansas	X	X			
California	X	X	X		
Connecticut	X	X		X	
Delaware	X	X	X		X
District of Columbia	X	X	X		
Florida	X	X	X	X	
Hawaii	X		X		
Idaho	X	X	X		
Illinois	X	X	X	X	
Indiana	X				X
Iowa	X	X	X		
Kansas	X				
Maine	X	X	X		
Maryland	X	X			
Massachusetts	X	X			X
Michigan	X	X	X		
Minnesota	X		X		
Mississippi	X	X		X	
Nebraska	X	X	X		
Nevada	X	X			
New Jersey	X	X	X		
New York	X				
North Carolina	X	X	X		
North Dakota	X		X		
Ohio	X	X	X		X
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X	X	X		
Rhode Island	X	X		X	
South Carolina	X	X	X		
Tennessee	X	X	X	X	X
Texas	X	X			
Utah	X	X	X		
Vermont	X	X			
Washington	X	X			
West Virginia	X	X	X		
TOTAL	39	32	23	6	5

(Continued)

**Table 5. (Continued)**  
**Restrictions on Sale or Distribution of Cigarettes or Other Tobacco Products to Minors**

State	PRODUCTS AFFECTED						
	Cigarettes	Cigars	Smoking Tobacco	Chewing Tobacco	Any Tobacco	Snuff	Smoking Herbs
Alabama	X				X		
Alaska	X	X			X		
Arizona	X	X					
Arkansas			X	X	X		
California	X				X		
Connecticut					X		
Delaware					X		
District of Columbia	X	X			X		
Florida					X		
Hawaii					X		
Idaho	X	X			X		
Illinois	X	X			X		X
Indiana					X		
Iowa	X				X		
Kansas	X						
Maine	X				X		
Maryland	X		X	X			
Massachusetts	X			X	X	X	
Michigan	X	X	X	X	X		
Minnesota					X		
Mississippi	X	X	X			X	
Nebraska	X				X		
Nevada	X				X		
New Jersey	X				X		
New York	X	X		X	X	X	
North Carolina	X				X		
North Dakota	X	X			X		X
Ohio	X				X		
Oklahoma	X						
Oregon		X			X		
Pennsylvania	X					X	
Rhode Island	X						
South Carolina	X				X		
Tennessee	X	X					X
Texas	X				X		
Utah	X	X			X		
Vermont		X			X	X	
Washington	X	X			X		
West Virginia	X	X			X		
<b>TOTAL</b>	<b>30</b>	<b>15</b>	<b>4</b>	<b>6</b>	<b>29</b>	<b>3</b>	<b>5</b>

#### IV. REGULATION OF SALE/USE OF TOBACCO PRODUCTS BY MINORS

	Age of Minor/ Less than ( ) yrs.	Restrictions on Use/Possession of Cigarettes by Minors	Restrictions on Use/Possession of any Tobacco Products by Minors	Restrictions on Furnishing Cigarettes to To Minors	Restrictions on Furnishing any Tobacco Products To Minors	Restrictions on Furnishing Smoking Paraphernalia	Distributors/ Vendors Must Post Notice	Fine (F)/ Jail (J)/ Both (B) for Violation	Other
AL	19			X	X	X		B	
AK	16			X	X			B	
AZ	18	X	X	X	X	X		F	
AR	18				X	X		B	
CA	18			X	X	X		B	
CO									
CT	16				X			F	
DE	17				X			B	
DC	16			X	X			B	
FL	18			X	X			B	X <sup>1</sup>
GA									
HI	15				X			F	
ID	18	X	X	X	X	X		B	X <sup>2</sup>
IL	18	X	X	X	X	X		B	
IN	16				X		X	F	
IA	18			X	X			B	X <sup>3</sup>
KS	18	X		X				B	
KY									
LA									
ME	18			X	X			F	
MD	16			X	X			B	
MA	16			X	X		X	F	
MI	17	X		X	X			B	X <sup>4</sup>
MN	18	X	X	X	X	X	X	B	
MS	18			X	X			B	
MO	18								X <sup>5</sup>

<sup>1</sup> In Florida, sheriffs, deputies, and police officers may summon any minor who may have or have had in his possession any cigarettes or cigarette materials and compel him to testify in court as to where and from whom he obtained such cigarettes or cigarette materials. Fla. Stat. Ann. Section 859.07 (West 1976).

<sup>2</sup> Idaho law provides that any person who maintains in his place of business a tobacco vending machine accessible to minors under 18 is guilty of a misdemeanor. Idaho Code Section 18-1503 (1977).

<sup>3</sup> Iowa law provides that any minor under 18 who is in the possession of a cigarette or cigarette papers in a place other than his parents' home shall be required at the request of any peace officer, juvenile court officer, truant officer or teacher to give information as to where the articles were obtained. Failure to provide such information constitutes a misdemeanor. Iowa Code Ann. Sections 98.4, 98.5 (West 1984).

<sup>4</sup> In Michigan, anyone who knowingly harbors a person under 18 or grants to him the privilege of gathering upon property held by him for the purpose of indulging in the use of cigarettes in any form is punishable by fine or imprisonment. This provision is not meant to interfere with the rights of parents or legal guardians in the rearing or management of their minor children within bounds of their own private premises. Mich. Comp. Laws Ann. Section 72.643 (Supp. 1984-1985).

<sup>5</sup> Missouri law provides that any city, town or village may by ordinance or act prohibit the sale of cigarettes or cigarette wrappers to minors. Mo. Ann. Stat. Section 71.740 (Vernon 1952).

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IV. REGULATION OF SALE/USE OF TOBACCO PRODUCTS BY MINORS *continued*

	Age of Minor/ Less than ( ) yrs.	Restrictions on Use/Possession of Cigarettes by Minors	Restrictions on Use/Possession of any Tobacco Products by Minors	Restrictions on Furnishing Cigarettes to To Minors	Restrictions on Furnishing any Tobacco Products To Minors	Restrictions on Furnishing Smoking Paraphernalia	Distributors/ Vendors Must Post Notice	Fine (F)/ Jail (J)/ Both (B) for Violation	Other
MT									
NE	18	X	X	X	X	X		B	X <sup>6</sup>
NV	18			X	X	X		F	
NH									
NJ	16			X	X	X		F	
NM									
NY	18			X	X		X	B	
NC	17			X	X			B	
ND	18	X	X	X	X	X		B	
OH	18			X	X		X	B	
OK	18			X	X	X		B	X <sup>7</sup>
OR	18				X	X		B	
PA	16			X	X	X		B	
RI	16		X	X				F	
SC	18			X	X	X		B	
SD	18								X <sup>8</sup>
TN	18	X	X	X	X	X	X	B	
TX	16			X	X			F	
UT	19	X	X	X	X	X	X	B	X <sup>9</sup>
VT	17			X	X		X	F	
VA									
WA	18			X	X	X		B	
WV	18	X		X	X	X		F	X <sup>10</sup>
WI									
WY									

<sup>6</sup>Nebraska law provides that any minor charged with violation of the law prohibiting smoking of cigarettes or cigars or use of tobacco in any form by minors may be free from prosecution when he furnishes evidence for the conviction of the person selling or giving him the cigarettes, cigars or tobacco. Neb. Rev. Stat. Section 28-1418 (1981).

<sup>7</sup>In Oklahoma, any minor who is in possession of cigarettes or cigarette papers and who refuses to divulge where and from whom such cigarettes or cigarette papers were obtained when asked by any police officer, constable, juvenile court officer, truant officer or teacher, is guilty of a misdemeanor. Okla. Stat. Ann. Title 21, Section 1242 (West 1983).

<sup>8</sup>South Dakota law provides that every municipality shall have the power to prohibit the sale or gift of cigarettes to and use thereof by minors. S.D. Codified Laws Ann. Section 9-29-8 (1981).

<sup>9</sup>In Utah, it is a misdemeanor for the proprietor of any place of business to knowingly permit persons under 19 to frequent such place of business while they are using tobacco. Utah Ann. Code Section 76-10-103 (1978). In addition, any person who maintains in his place of business a tobacco vending machine accessible to persons under 19 is guilty of a misdemeanor. Utah Code Ann. Section 59-18-18 (1974).

<sup>10</sup>West Virginia law provides that any minor under 18 who violates the law prohibiting smoking or possession of any cigarette or cigarette paper by minors shall be punishable by fine. However, if such person discloses the name or the person, firm or corporation from whom he obtained the cigarettes or cigarette papers, he shall be immune from further prosecution or punishment. W. Va. Code Section 16-9-5 (1985).

STATES ACCORDING TO AGE OF MINORS

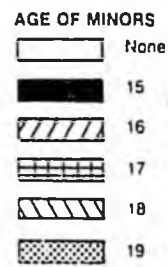
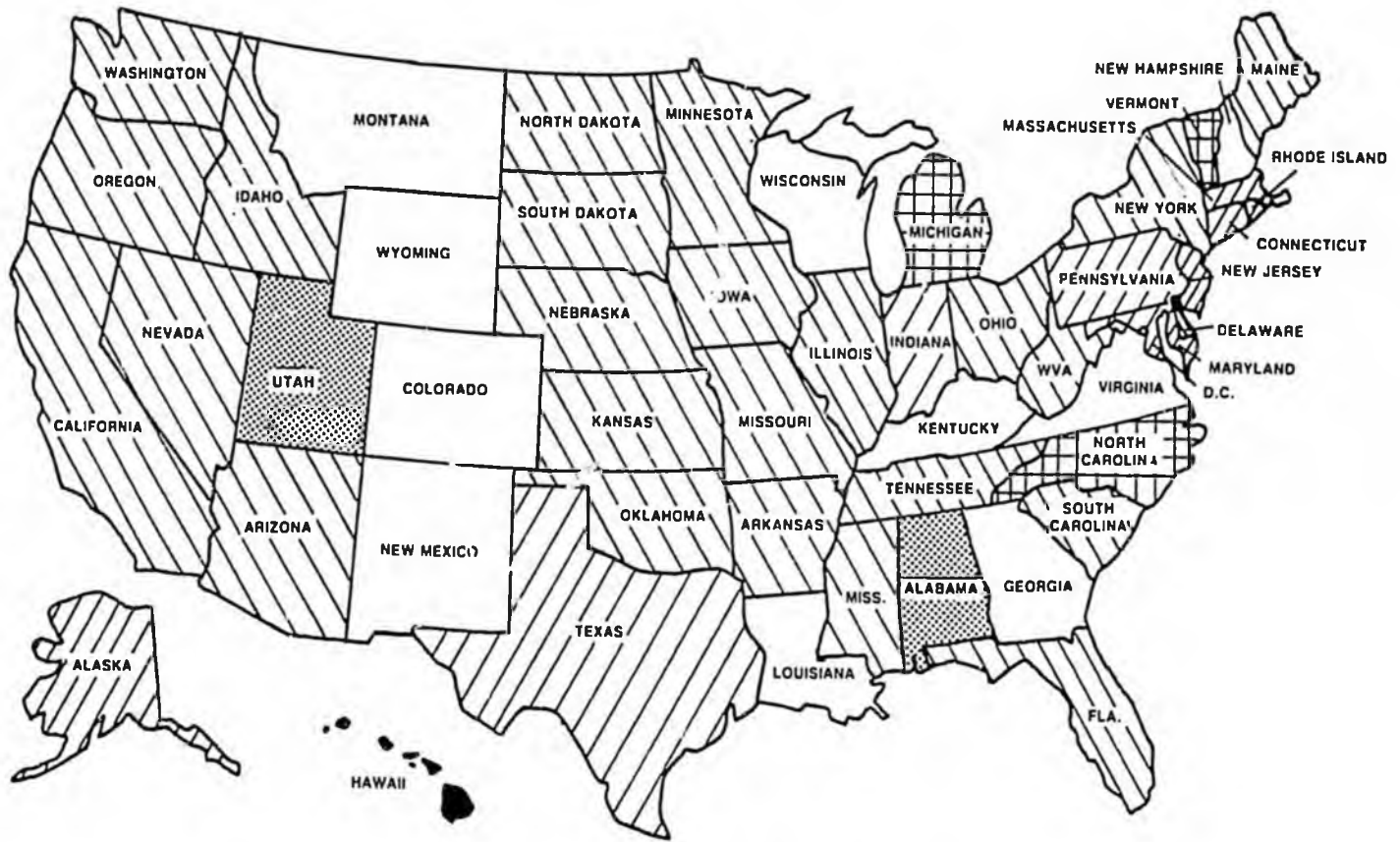


Table 6. Age of Minors

Alabama	19	Montana	*
Alaska	16	Nebraska	18
Arizona	18	Nevada	18
Arkansas	18	New Hampshire	*
California	18	New Jersey	16
Colorado	*	New Mexico	*
Connecticut	16	New York	18
Delaware	17	North Carolina	17
District of Columbia	16	North Dakota	18
Florida	18	Ohio	18
Georgia	*	Oklahoma	18
Hawaii	15	Oregon	18
Idaho	18	Pennsylvania	16
Illinois	18	Rhode Island	16
Indiana	16	South Carolina	18
Iowa	18	South Dakota	18
Kansas	18	Tennessee	18
Kentucky	*	Texas	16
Louisiana	*	Utah	19
Maine	18	Vermont	17
Maryland	16	Virginia	*
Massachusetts	16	Washington	18
Michigan	17	West Virginia	18
Minnesota	18	Wisconsin	*
Mississippi	18	Wyoming	*
Missouri	18		

\*Age of minors is not specified for cigarette or tobacco use.

The penalties for violation of the laws relating to selling or furnishing tobacco products to minors vary from state to state. In 12 states, such offenses are punishable only by a fine. In the remaining jurisdictions, such offenses are punishable by fine, imprisonment or both. The heaviest penalties are imposed by Kansas: anyone convicted of the offense of selling cigarettes to a person under 18 years in Kansas is subject to a fine of not more than \$1000 or imprisonment for not more than one year (or both).

In addition to prohibiting the sale or furnishing of cigarettes or other tobacco products to minors, 12 states prohibit the use or possession (or both) of such products by minors. Minors found guilty of using or possessing tobacco are punishable by fine in Idaho, Illinois, Rhode Island, and West Virginia, and by fine or imprisonment (or both) in Kansas, Michigan, and Tennessee. Louisiana does not specifically prohibit the use of tobacco by minors, but does authorize public school principals to suspend any student who uses tobacco in school buildings, on school property, or in school buses. In the remaining five states, the offense is classified as either a misdemeanor or petty offense with no specific penalty described in the statute.

Neither Iowa nor Oklahoma make possession of cigarettes by a minor a punishable offense. However, any minor under 18 years who has cigarettes or cigarette papers in his possession and who refuses to give information at the request of any peace officer, juvenile court officer, truant officer, or teacher as to

where the articles were obtained is guilty of a misdemeanor. Florida does not make possession of cigarettes or cigarette materials by a minor a punishable offense. Nonetheless, minors who have or have had cigarettes in their possession may be summoned by sheriffs, deputies, and police officers and compelled to testify in court as to where and from whom they obtained such articles.

Minors charged with violation of the law prohibiting smoking or possession of cigarettes or other tobacco products in Nebraska and West Virginia may obtain immunity from prosecution or punishment upon disclosure of the identity of the person or firm from whom they obtained the cigarettes or tobacco products.

Nine states require dealers, distributors, or vendors of cigarettes or other tobacco products to post notice at the point of sale that the sale to or purchase of such products by minors is prohibited by law. Idaho and Utah go further by forbidding any person to maintain a tobacco vending machine accessible to minors. Violation of this restriction is a misdemeanor.

Utah and Michigan also make liable any persons who permit minors to smoke on their property. In Utah, it is a misdemeanor for the proprietor of any place of business to knowingly permit minors to use tobacco on his or her premises. In Michigan, anyone who knowingly harbors or grants a minor the privilege of gathering on his or her property for the purpose of indulging in the use of cigarettes is subject to punishment by fine or imprisonment.

#### Public Safety and Occupational Regulations

In an effort to protect the public from negligent activity that could result in fires, explosions, or the contamination of food, several states have enacted legislation relating to smoking and the discarding of smoking materials under potentially unsafe and unsanitary conditions. The most common legislation of this nature prohibits the discarding of cigarettes or other smoking materials in or near forest areas. Sixteen states outlaw such activity. New Jersey, Oregon, and Virginia have compensatory provisions that make any person who negligently causes a forest fire liable for the costs of confining, extinguishing, or suppressing the fire. A smaller number of jurisdictions also seek to control behavior that may cause a fire on public or private property by prohibiting persons from discarding lighted cigarettes, cigars, matches, or other materials from moving vehicles.

Seventeen states outlaw smoking in the vicinity of flammable materials such as fire works, explosives, and petroleum products. Restrictions on smoking in or near the surface structure of mines and upon taking smoking materials, such as matches, pipes, cigars or cigarettes, into underground mines are imposed by 14 states. Colorado, Illinois, Kentucky, and New Mexico permit the person in charge of an underground mine to search anyone entering the mine to prevent him or her from taking, carrying, or using any smoking materials therein.

Only nine states prohibit persons from indiscriminately disposing cigarettes or other smoking materials on public or private property. These laws are designed to control potential fire hazards and litter.



# Alaska State Legislature

SENATE

Office of the President

P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3755

## MEMORANDUM

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Second, while current law prohibits adults from providing tobacco to underage persons, it allows vending machines to dispense tobacco products. The predictable result of this is that most teenagers who smoke cigarettes obtain them from vending machines.

Third, current law allows the sale of tobacco to minors 16, 17 and 18 years of age. The problem with this is that fully 90% of all adults who smoke began smoking before the age of 19. If a person can make it to age 19 without acquiring the smoking habit, probably he or she never will.

Fourth, while current law prohibits adults from providing tobacco to underage persons, it does not prohibit minors from purchasing tobacco. Minors know that they can use vending machines and deceive store clerks about their age with impunity, since there is no penalty if they are

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AS 11.76.100(b)(1): A person who maintains a vending machine is not in violation of this statute if the machine is in a location that is generally supervised by a person who maintains the machine, during the hours the machine is accessible. As an example, a vending machine in the lobby of a hotel within sight of the desk clerk, or a vending machine in the entrance of a restaurant within sight of the cashier, would be lawful. However, a completely unsupervised machine, such as the one in the Capitol Building, would be prohibited.

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minors to obtain tobacco, and will thus ensure that many marginal users will give up smoking, or will never start.

Please feel free to contact my office if you have any comments or questions.

Thank you.

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H HESS	4-19-88	8:30 a.m.
H HESS	4-20-88	8:30 a.m.



# Alaska State Legislature

SENATE

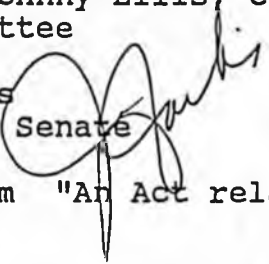
Office of the President

P.O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3755

## MEMORANDUM

March 31, 1988

TO: Representative Niilo Koponen, Co-Chair  
Representative Johnny Ellis, Co-Chair  
House HESS Committee

FROM: Senator Jan Faiks  
President of the Senate 

SUBJECT: CSSB 339 (Jud) am "An Act relating to tobacco products."

Senate Bill 339 has been referred to the House HESS Committee for consideration. This bill proposes changes to the laws regulating the sale of tobacco products to minors.

Under current law, a person 19 years of age or older commits a violation if the person sells or gives cigars, cigarettes or tobacco to a person under 16 years of age.

There are several problems with current law. First, it only covers cigars, cigarettes and tobacco. It does not clearly prohibit adults from providing tobacco products such as snuff or certain other types of smokeless tobacco to underage individuals. As you know, these products are increasingly popular with our youth, and they pose clear health risks, such as cancer of the mouth, tongue and throat, as well as gum disease.

Second, while current law prohibits adults from providing tobacco to underage persons, it allows vending machines to dispense tobacco products. The predictable result of this is that most teenagers who smoke cigarettes obtain them from vending machines.

Third, current law allows the sale of tobacco to minors 16, 17 and 18 years of age. The problem with this is that fully 90% of all adults who smoke began smoking before the age of 19. If a person can make it to age 19 without acquiring the smoking habit, probably he or she never will.

Fourth, while current law prohibits adults from providing tobacco to underage persons, it does not prohibit minors from purchasing tobacco. Minors know that they can use vending machines and deceive store clerks about their age with impunity, since there is no penalty if they are

caught.

CSSB 339 (Jud) am proposes to correct this situation.

Section 1. Repeals AS 11.76.100, and reenacts it as follows:

AS 11.76.100(a)(1): A person commits the offense of selling tobacco to a minor if the person knowingly sells, exchanges or gives a cigarette, a cigar, tobacco or a product containing tobacco to a person under 19 years of age.

AS 11.76.100(a)(2): A person commits the offense of selling tobacco to a minor if the person maintains a vending machine that dispenses cigarettes, cigars, tobacco or tobacco products and that is accessible to persons under the age of 19.

AS 11.76.100(b)(1): A person who maintains a vending machine is not in violation of this statute if the machine is in a location that is generally supervised by a person who maintains the machine, during the hours the machine is accessible. As an example, a vending machine in the lobby of a hotel within sight of the desk clerk, or a vending machine in the entrance of a restaurant within sight of the cashier, would be lawful. However, a completely unsupervised machine, such as the one in the Capitol Building, would be prohibited.

AS 11.76.100(b)(2): A person who maintains a vending machine is not in violation of this statute if the machine is located in a bar.

AS 11.76.100(b)(3): A person who maintains a vending machine is not in violation of this statute if the machine is located in a place where a person under the age of 19 is not allowed entry by policy of the owner of the premises unless accompanied by a person 19 years of age or older. This will allow canneries and other businesses to place vending machines in smoking rooms which are off limits to underage employees.

AS 11.76.100(c): A person "maintains" a vending machine if the person owns the machine, or owns or controls the premises in which the machine is located.

AS 11.76.100(d): Selling or giving tobacco to a minor is a violation.

Section 2. Adds a new section to AS 11.76 as follows:

AS 11.76.105: A person under 19 years of age commits a violation if the person purchases cigarettes, cigars, tobacco or a product containing tobacco.

As with any drug, there are hard-core users and marginal users of tobacco. Easy access to tobacco increases use among young people, many of whom are marginal users. Any barriers we can erect to easy access will strip off a layer of these marginal users. By raising the age of persons to whom stores can sell tobacco, and by eliminating the completely unsupervised vending machine, this bill will make it more difficult for

minors to obtain tobacco, and will thus ensure that many marginal users will give up smoking, or will never start.

Please feel free to contact my office if you have any comments or questions.

Thank you.

Elementary Education

## Lay Public Ignorant of Drug Prevention Success

by Mark S. Gold, M.D.

**E**veryone has an opinion about drug prevention. Some experts and journalists declare that prevention is impossible. Parents, acting on this theory, "look the other way" when their children "borrow" their liquor or return home smelling of alcohol or obviously having smoked marijuana.

Other parents, believing drug use to be inevitable and part of "normal" adolescence, try to procure the best, "clean" marijuana for their children, or they use drugs with their children. When drug use is considered by some experts to be normal, primary prevention becomes all the more difficult.

Primary prevention means prevention of drug use. To understand how primary prevention can work, we should study how it is already working. Lost in the shuffle of drug abuse statistics is the fact that 49 percent of United States high school seniors do not use, and have never used, marijuana. Eighty-three percent of high school seniors have never tried cocaine, even once, and 99 percent have never tried heroin!

Illicit drugs break down primary prevention efforts by pretending to be normative, but the use of them by the nation's young people is a real problem; it is neither normative nor normal.

A simple equation for conceptualization of prevention is: drug use/abuse/addiction = exposure X predisposition. Predisposition is the vulnerability to use and/or develop abnormal patterns of use when exposed to a particular drug. Predisposition is comprised of complex psychosocial and biological factors.

The vulnerability to develop alcoholism and abnormal use is inherited. The genetic predisposition is a biological (physical) vulnerability that is transmitted from parents to offspring. Evidence is growing

that the genetic predisposition for alcohol extends to other drugs such as cocaine and marijuana.

The majority of alcoholics under the age of 30 are addicted to at least one other drug, most often marijuana and followed by cocaine. Cigarettes also may be included in this vulnerability since nicotine is a drug and cigarettes are commonly used by alcohol/drug users. The biological vulnerability most likely resides in the brain, and drug

To prevent marijuana use we must prevent cigarette and alcohol use.

(and/or alcohol) addiction is in part a neurological disease.

To prevent marijuana use we must prevent cigarette and alcohol use. To prevent cocaine use we must prevent cigarette, alcohol, and marijuana use. With 91 percent of high school seniors having tried alcohol—85 percent using in the past year, 65 percent using in the past month, and 4.8 percent using every day—it is obvious where secondary prevention efforts should be focused.

Prevention efforts have been somewhat successful in reducing cigarette smoking among adults and new adolescent smokers. From a peak in 1976 of 76 percent of high school seniors having ever tried a cigarette in their lifetime, currently 68 percent have ever tried smoking. Daily cigarette smoking among high school seniors has dropped during this decade from 28.8 percent to 18.7 percent.

Secondary prevention requires early identification and interven-



tion. Early identification can be made by a pediatrician at an annual physical, or it can be made during a sports physical by the use of urinalysis.

Education with outpatient recovery programs can quickly help a drug-using adolescent and co-dependents when the diagnosis is made at an early phase of the illness.

Prevention programs in the schools should begin early in elementary schools with discussions of the body, the difference between medicine and drugs, and the proper way to fill, use, and discard prescription drugs. Shortly thereafter, the health effects of cigarette smoking and alcohol consumption should be stressed; this should include a discussion of the reasons why people start drinking or smoking. Children should be encouraged to help their parents stop smoking.

Educational prevention is the most effective when focusing elementary education first on cigarettes, then alcohol, then marijuana. Antidrug messages should be reinforced in biology and other subjects. The drug curricula should continue through senior high school, with an increase in experiential learning and exposure to real-life victims of addiction.

Children at risk (e.g. children with a family history of addiction, etc.) should be identified and receive additional individual and family prevention information. While drug prevention is not as precise a science as we would like, it is a lot more effective than professionals or the lay public recognize.

Mark S. Gold, M.D., is the author of the new "Facts About Drugs and Alcohol," Bantam Books, 1987.



# **SMOKING AND HEALTH**

## A NATIONAL STATUS REPORT

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A Report to Congress

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service  
Centers for Disease Control  
Center for Health Promotion and Education  
Office on Smoking and Health  
Rockville, Maryland 20857

HHS/PHS/CDC - 87-8396

the program. Connecticut law dictates that universities that train teachers must provide instruction on the effects of nicotine and tobacco use on health, character, citizenship, and personality development and the best methods for instructing students on these topics. Connecticut will not grant a certificate to teach or supervise in any public school to any person who has not passed an examination on the effects of nicotine and tobacco use.

California and Florida have no specific statutory provisions for mandatory instruction on the effects of tobacco use in elementary and secondary schools. Both states, however, require that upon adoption of instructional materials for use in the schools, school boards shall include only instructional materials that portray accurately the physical effects of tobacco use.

Florida's Cancer Control and Research Act provides that proven causes of cancer, including smoking, should be publicized and made the subject of educational programs for the prevention of cancer. These programs will be made available to all citizens of the state.

The Iowa and Louisiana legislatures have taken a hard line on the use of tobacco products by students in public schools. In Iowa, the school board may suspend or expel any student who violates the rule prohibiting the use of tobacco. In Louisiana, school principals are authorized to suspend any student who uses tobacco in school buildings, on school grounds, or in school buses.

#### Regulation of Sale to and Use of Tobacco Products by Minors

The sale or distribution of cigarettes or tobacco products to minors is regulated by 39 jurisdictions. Missouri and South Dakota impose no restrictions at the state level, but permit cities, towns, and municipalities to enact ordinances prohibiting the sale to or use of cigarettes by minors or both. The only states that do not regulate the sale or distribution of tobacco products to minors are Colorado, Georgia, Kentucky, Louisiana, Montana, New Hampshire, New Mexico, Virginia, Wisconsin, and Wyoming.

Indiana, Kansas, New York, and Oregon prohibit only the sale of cigarettes to minors. The other state statutes have much broader prohibitive language and randomly outlaw the sale or furnishing (or both) of cigars, cigarettes, snuff, chewing tobacco, smoking material, and tobacco in any form to minors. (See Table 5.)

Twenty-one states also prohibit the sale or furnishing of cigarette wrapping papers and other smoking paraphernalia to minors.

The majority of states prohibiting the sale of cigarettes or other tobacco products to minors define a minor as anyone under the age of 18 years. Ten jurisdictions define a minor as anyone under the age of 16 years, and four define a minor as 17 years of age or younger. At the two extremes are Hawaii, which prohibits the sale of tobacco products to anyone under the age of 15 years, and Alabama and Utah, which prohibit such sales to anyone under the age of 19 years. (See Table 6.)

Table 5. Restrictions on Sale or Distribution of Cigarettes or Other Tobacco Products to Minors

State	TYPES OF DISTRIBUTION				
	Sell	Give	Furnish	Deliver	Provide
Alabama	X	X			
Alaska	X	X			
Arizona	X	X	X		
Arkansas	X	X			
California	X	X	X		
Connecticut	X	X		X	
Delaware	X	X	X		X
District of Columbia	X	X	X		
Florida	X	X	X	X	
Hawaii	X		X		
Idaho	X	X	X		
Illinois	X	X	X	X	
Indiana	X				X
Iowa	X	X	X		
Kansas	X				
Maine	X	X	X		
Maryland	X	X			
Massachusetts	X	X			X
Michigan	X	X	X		
Minnesota	X		X		
Mississippi	X	X		X	
Nebraska	X	X	X		
Nevada	X	X			
New Jersey	X	X	X		
New York	X				
North Carolina	X	X	X		
North Dakota	X		X		
Ohio	X	X	X		X
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X	X	X		
Rhode Island	X	X		X	
South Carolina	X	X	X		
Tennessee	X	X	X	X	X
Texas	X	X			
Utah	X	X	X		
Vermont	X	X			
Washington	X	X			
West Virginia	X	X	X		
TOTAL	39	32	23	6	5

(Continued)

**Table 5. (Continued)**  
**Restrictions on Sale or Distribution of Cigarettes or Other Tobacco Products to Minors**

**PRODUCTS AFFECTED**

State	Cigarettes	Cigars	Smoking Tobacco	Chewing Tobacco	Any Tobacco	Snuff	Smoking Herbs
Alabama	X			X			
Alaska	X	X			X		
Arizona	X	X					
Arkansas			X	X	X		
California	X				X		
Connecticut					X		
Delaware					X		
District of Columbia	X	X			X		
Florida					X		
Hawaii					X		
Idaho	X	X			X		
Illinois	X	X			X		X
Indiana					X		
Iowa	X				X		
Kansas	X						
Maine	X				X		
Maryland	X		X	X			
Massachusetts	X			X	X	X	
Michigan	X	X	X	X	X		
Minnesota					X		
Mississippi	X	X	X			X	
Nebraska	X				X		
Nevada	X				X		
New Jersey	X				X		
New York	X	X		X	X	X	
North Carolina	X				X		
North Dakota	X	X			X		X
Ohio	X				X		
Oklahoma	X						
Oregon		X			X		
Pennsylvania	X					X	
Rhode Island	X						
South Carolina	X				X		
Tennessee	X	X					X
Texas	X				X		
Utah	X	X			X		
Vermont		X			X	X	
Washington	X	X			X		
West Virginia	X	X			X		
<b>TOTAL</b>	<b>30</b>	<b>15</b>	<b>4</b>	<b>6</b>	<b>29</b>	<b>3</b>	<b>5</b>

#### IV. REGULATION OF SALE/USE OF TOBACCO PRODUCTS BY MINORS

	Age of Minor/ Less than ( ) yrs.	Restrictions on Use/Possession of Cigarettes by Minors	Restrictions on Use/Possession of any Tobacco Products by Minors	Restrictions on Furnishing Cigarettes to To Minors	Restrictions on Furnishing any Tobacco Products To Minors	Restrictions on Furnishing Smoking Paraphernalia	Distributors/ Vendors Must Post Notice	Fine (F)/ Jail (J)/ Both (B) for Violation	Other
AL	19			X	X	X		B	
AK	16			X	X			B	
AZ	18	X	X	X	X	X		F	
AR	18				X	X		B	
CA	18			X	X	X		B	
CO									
CT	16				X			F	
DE	17				X			B	
DC	16			X	X			B	
FL	18			X	X	X		B	X <sup>1</sup>
GA									
HI	15				X			F	
ID	18	X	X	X	X	X		B	X <sup>2</sup>
IL	18	X	X	X	X	X	X	B	
IN	16				X		X	F	
IA	18			X	X	X		B	X <sup>3</sup>
KS	18	X		X				B	
KY									
LA									
ME	18			X	X			F	
MD	16			X	X			B	
MA	16			X	X		X	F	
MI	17	X		X	X			B	X <sup>4</sup>
MN	18	X	X	X	X	X	X	B	
MS	18			X	X			B	
MO	18								X <sup>5</sup>

<sup>1</sup> In Florida, sheriffs, deputies, and police officers may summon any minor who may have or have had in his possession any cigarettes or cigarette materials and compel him to testify in court as to where and from whom he obtained such cigarettes or cigarette materials. Fla. Stat. Ann. Section 859.07 (West 1976).

<sup>2</sup> Idaho law provides that any person who maintains in his place of business a tobacco vending machine accessible to minors under 18 is guilty of a misdemeanor. Idaho Code Section 18-1503.

<sup>3</sup> Iowa law provides that any minor under 18 who is in the possession of a cigarette or cigarette papers in a place other than his home shall be required at the request of any peace officer, juvenile court officer, truant officer or teacher to give information as to where the articles were obtained. Failure to provide such information constitutes a misdemeanor. Iowa Code Ann. Sections 98.4, 98.5 (West 1984).

<sup>4</sup> In Michigan, anyone who knowingly harbors a person under 18 or grants to him the privilege of gathering upon property held by him for the purpose of indulging in the use of cigarettes in any form is punishable by fine or imprisonment. This provision is not meant to interfere with the rights of parents or legal guardians in the rearing or management of their minor children within bounds of their own private premises. Mich. Comp. Laws Ann. Section 72.643 (Supp. 1984-1985).

<sup>5</sup> Missouri law provides that any city, town or village may by ordinance or act prohibit the sale of cigarettes or cigarette wrappers to minors. Mo. Ann. Stat. Section 71.740 (Vernon 1952).

continued on next page

IV. REGULATION OF SALE/USE OF TOBACCO PRODUCTS BY MINORS continued

	Age of Minor/ Less than ( ) yrs.	Restrictions on Use/Possession of Cigarettes by Minors	Restrictions on Use/Possession of any Tobacco Products by Minors	Restrictions on Furnishing Cigarettes to To Minors	Restrictions on Furnishing any Tobacco Products To Minors	Restrictions on Furnishing Smoking Paraphernalia	Distributors Vendors Must Post Notice	Fine (F)/ Jail (J)/ Both (B) for Violation	Other
MT									
NE	18	X	X	X	X	X		B	X <sup>6</sup>
NV	18			X	X	X		F	
NH									
NJ	16			X	X	X		F	
NM									
NY	18			X	X		X	B	
NC	17			X	X			B	
ND	18	X	X	X	X	X		B	
OH	18			X	X		X	B	
OK	18			X	X	X		B	X <sup>7</sup>
OR	18				X	X		B	
PA	16			X	X	X		B	
RI	16		X	X				F	
SC	18			X	X	X		B	
SD	18								X <sup>8</sup>
TN	18	X	X	X	X	X	X	B	
TX	16			X	X			F	
UT	19	X	X	X	X	X	X	B	X <sup>9</sup>
VT	17			X	X		X	F	
VA									
WA	18			X	X	X		B	
WV	18	X		X	X	X		F	X <sup>10</sup>
WI									
WY									

<sup>6</sup> Nebraska law provides that any minor charged with violation of the law prohibiting smoking of cigarettes or cigars or use of tobacco in any form by minors may be free from prosecution when he furnishes evidence for the conviction of the person selling or giving him the cigarettes, cigars or tobacco. Neb. Rev. Stat. Section 28-1418 (1981).

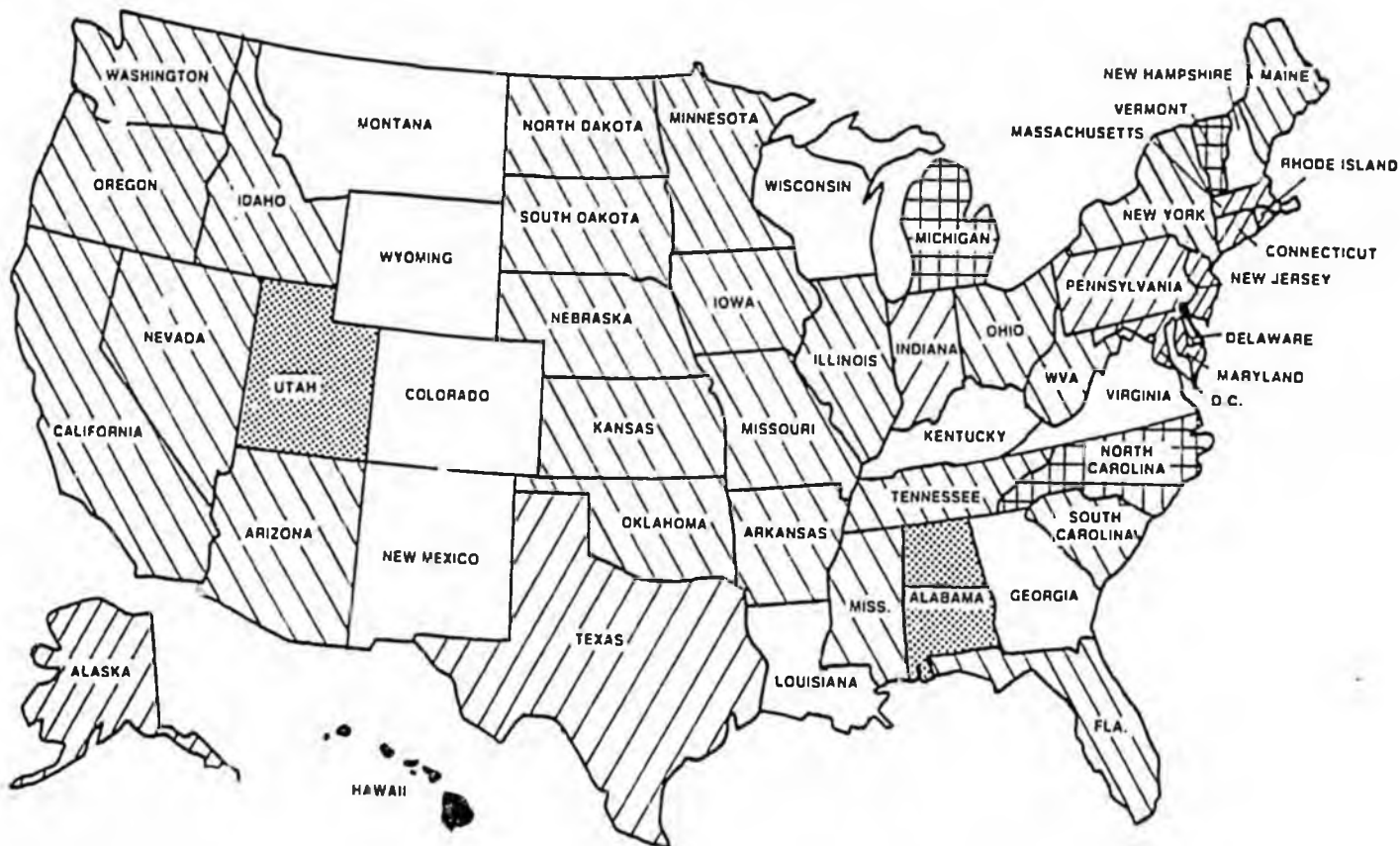
<sup>7</sup> In Oklahoma, any minor who is in possession of cigarettes or cigarette papers and who refuses to divulge where and from whom such cigarettes or cigarette papers were obtained when asked by any police officer, constable, juvenile court officer, truant officer or teacher, is guilty of a misdemeanor. Okla. Stat. Ann. Title 21, Section 1242 (West 1983).

<sup>8</sup> South Dakota law provides that every municipality shall have the power to prohibit the sale or gift of cigarettes to and use thereof by minors. S.D. Codified Laws Ann. Section 9-29-8 (1981).

<sup>9</sup> In Utah, it is a misdemeanor for the proprietor of any place of business to knowingly permit persons under 19 to frequent such place of business while they are using tobacco. Utah Ann. Code Section 76-10-103 (1978). In addition, any person who maintains in his place of business a tobacco vending machine accessible to persons under 19 is guilty of a misdemeanor. Utah Code Ann. Section 59-18-18 (1974).

<sup>10</sup> West Virginia law provides that any minor under 18 who violates the law prohibiting smoking or possession of any cigarette or cigarette paper by minors shall be punishable by fine. However, if such person discloses the name or the person, firm or corporation from whom he obtained the cigarettes or cigarette papers, he shall be immune from further prosecution or punishment. W. Va. Code Section 16-9-5 (1985).

### STATES ACCORDING TO AGE OF MINORS



**AGE OF MINORS**

	None
	15
	16
	17
	18
	19

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/28/88

FURTHER REFERRALS:

Judiciary

DATE: 4-20-88

The Health, Education and Social Services Committee has considered CSSB 333 (Jud) am

"An Act relating to tobacco products."

### RECOMMENDS:

- replace with CSSB 339  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS:  \_\_\_\_\_ letter of intent

### ATTACHES NEW FISCAL NOTE(S):

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 3/16/88
- zero with analysis

### SIGNING DO PASS:

J. Ellis  
ROBERT DELOACH  
James ...  
William ...  
Bill ...

### SIGNING OTHER RECOMMENDATIONS:

Max F. ... Do pass with  
amendment striking sections 1, 3 & 4  
of House HESS Committee Substitute.

John ...  
 Chairman's signature  
J. Ellis

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: An Act relating to tobacco products.  
Sponsor: Falks  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: State Health Services  
Components: Public Health Administration

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of CSSB 339 (Jud.) would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director Phone: 465-3090  
Division: Public Health Date: 3-16-88

Approved by Commissioner: Mary K. Mearns Date: 3-16-88  
Agency: Department of Health & Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

A M E N D M E N T

Offered in the HOUSE

TO: HCS CSSB 339(HESS)

Page 1, following line 7:

Insert a new bill section to read:

"\* Section 1. PURPOSE. AS 11.76.105, added by sec. 3 of this Act, makes the purchase of cigarettes by persons under age 19 a violation. The sole penalty for a violation is a fine. The amendment of AS 47.10.010(b), made by sec. 4 of this Act, implements legislative intent. Because children's proceedings do not provide for the imposition of fines, the amendment of AS 47.10.010(b) excludes these offenses from the juvenile jurisdiction of the superior court, allowing the citation of minors and the imposition of fines by the district court."

Page 1, line 8:

Delete "\* Section 1."

Insert "\* Sec. 2."

Renumber subsequent section accordingly.

Page 2, following line 10:

Insert a new bill section to read:

"\* Sec. 4. AS 47.10.010(b) is amended to read:

(b) When a minor is accused of violating a traffic statute or

regulation, a traffic ordinance or regulation of an incorporated municipality, AS 11.76.105 relating to the purchase of tobacco by a minor, a fish and game statute or regulation under AS 16, or a parks and recreational facilities statute or regulation under AS 41.21, excepting a statute the violation of which is a felony, the procedure prescribed in AS 47.10.020 - 47.10.090 may not be followed, except that a parent, guardian, or legal custodian shall be present at all proceedings. The minor accused of an [A TRAFFIC] offense specified in this subsection [, A FISH AND GAME STATUTE OR REGULATION VIOLATION UNDER AS 16 OR PARKS AND RECREATIONAL FACILITIES VIOLATION UNDER AS 41.21] shall be charged, prosecuted, and sentenced in the district court in the same manner as an adult."

5-1426P ✓  
Chenoweth  
4/19/88

Original sponsors: Faiks and Binkley

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 339 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to tobacco products."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 11.76.100 is repealed and reenacted to read:

9 Sec. 11.76.100. SELLING OR GIVING TOBACCO TO A MINOR. (a) A  
10 person commits the offense of selling or giving tobacco to a minor if  
11 the person is 19 years of age or older and

12 (1) knowingly sells, exchanges, or gives a cigarette, a  
13 cigar, tobacco, or a product containing tobacco to a person under 19  
14 years of age; or

15 (2) maintains a vending machine that dispenses cigarettes,  
16 cigars, tobacco, or products containing tobacco and that is accessible  
17 to persons under 19 years of age.

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

21 (1) the vending machine is in a location that is generally  
22 supervised by a person who maintains the vending machine, or an em-  
23 ployee of the person, during the hours the machine is accessible;

24 (2) the vending machine is in a location where a person  
25 under 21 years of age, other than an employee of the owner of the  
26 premises, is not allowed entry by law unless accompanied by a parent,  
27 guardian, or spouse of the person who is 21 years of age or older; or

28 (3) the vending machine is in a location where a person

1 the premises unless accompanied by a person 19 years of age or older.

2 (c) In this section, a person maintains a vending machine if the  
3 person owns the machine or owns or controls a facility in which the  
4 machine is located.

5 (d) Selling or giving tobacco to a minor is a violation.

6 \* Sec. 2. AS 11.76 is amended by adding a new section to read:

7 Sec. 11.76.105. PURCHASE OF TOBACCO BY A MINOR. (a) A person  
8 under 19 years of age may not purchase a cigarette, a cigar, tobacco,  
9 or a product containing tobacco in this state.

10 (b) Purchase of tobacco by a minor is a violation.  
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