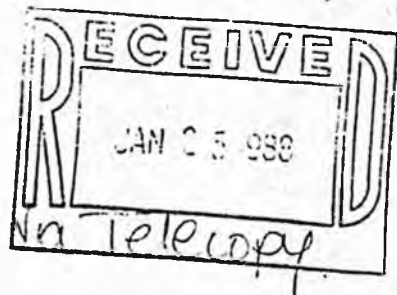


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3/8/88
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FILE - Other
(Vending)



STATE MAY 11 1987

(New Draft of H.P. 153, L.D. 204)
(New Title)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document NO. 1391

H.P. 1033 House of Representatives, April 26, 1987
Reported by Representative ALLEN from the Committee on
Business Legislation and printed under Joint Rule 2.
EDWIN H. PERT, Clerk
Original bill sponsored by Representative POLDE of York.
Cosponsored by Representative HILLOCK of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

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AN ACT to Regulate the Location of Vending
Machines Containing Cigarettes.

Be it enacted by the People of the State of Maine as
follows:

22 MRS. c. 365-B is enacted to read:

CHAPTER 365-B

VENDING MACHINE SALES OF CIGARETTES

§162B. Vending machines sales of cigarettes limited
to supervised areas



Alaska State Legislature

SENATE

Office of the President

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

March 1, 1988

MAR 3 1988

TO: Senator Jay Kerttula, Chairman
Senate Judiciary Committee

FROM: Senator Jan Faiks
President of the Senate

SUBJECT: SB 339 "An Act relating to tobacco products."

Senate Bill 339 has been referred to your committee for consideration. The bill proposes changes to AS 11.76.100, relating to the offense of selling or giving tobacco to a minor.

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.

SB 339 proposes to correct this situation. It repeals AS 11.76.100, and reenacts it as follows:

AS 11.76.100(a)(1): A person 19 years of age or older 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 19 years of age or older 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): Selling or giving tobacco to a minor is a violation.

AS 11.76.100(c)(1): A person who maintains a vending machine is not in violation of this statute if only the person who owns or maintains the machine can operate the machine, either directly or through a remote control device that is inaccessible to the customer. As an example, vending machines behind the counter in a store or restaurant, or vending machines with a cut-off switch at the cash register would be allowed.

AS 11.76.100(c)(2): A person who maintains a vending machine is not in violation of this statute if the machine is located at a business establishment, place of employment or private club at which a person under the age of 19 is not employed and into which a person under 19 years of age is not allowed unless accompanied by a legal guardian 21 years of age or older. As an example, a machine in a bar would be deemed inaccessible to minors as a matter of law, as would a machine in a workplace where minors were not employed and which prohibited the entry of unaccompanied minors as a matter of company policy.

Please feel free to contact my office with questions or comments.

STATE OF ALASKA
1988 LEGISLATIVE SESSION

BILL VERSION: SB 339
PUBLISH DATE: (SENATE) 1/28/88

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: An Act relating to tobacco
products.
Sponsor: Faiks
Requestor: _____

Agency Affected: Health & Social Services
BRU: State Health Services
Components: Public Health Adminis-
tration

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						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of SB 339 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090
Division: Public Health Date: 1-22-88

Approved by Commissioner: Mona Ke Munson *Mona Ke Munson* Date: Jan 25, 1988
Agency: Department of Health & Social Services

Distribution (by preparer):

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

REC'D
3-8-88
Sen Juddic-

SB. 339

1. The State of Alaska does not restrict employment of youths in an establishment which sells alcohol. But this bill would make this restriction if they had a cigarette machine. I.E. Any restaurant/lounge with busboys or dishwashers 18 years old or younger.
2. There are private sector businesses with controlled access which maintain a non public break/lunch room for employees.
3. Each cigarette vendor represents an investment of about \$1500. Our industry cannot afford to pull this much equipment and have it sit idle in our buildings.
4. As a member of NAMA and NAVA, we are doing our part by:
 - A. Maintaining "Minors are forbidden" decals on our equipment.
 - B. Worked with the location owners to prevent purchases by minors.
 - C. Removed equipment when supervision was not adequate.
5. My company has paid the State of Alaska \$60,000 in state tobacco tax in the past year.
6. This bill as written would cause termination of one bread winning employee from our ranks and the reduction in hours of one other.

1. We have no argument and in fact endorse the 19 year age limit.
2. I believe our industry has the ability to act responsibly without the burdens and financial hardships this bill would produce.
3. Alternatives to bill could read:
 - A. All tobacco vending machines must be under visual supervision of the responsible party.

OR:

1. Located in an establishment with controlled access not open to the public.
2. A location which into a person under 19 years of age is not allowed entry unless accompanied by a parent or spouse of the person who is 21 years of age or older.

Tom Delo

SERVICE AMERICAN CORP.
1115 WHITNEY RD.
ANCHORAGE AK. 99501

88/ 5B.339

MAY 8 1986

Chapter 162,
Laws of New Hampshire

HB 125-FN

- 2 -

II. No person shall sell tobacco products or distribute promotional samples of any tobacco product to a person under 18 years of age. No person under 18 years of age shall purchase tobacco products.

III. The commissioner of revenue administration shall furnish, upon issuing or renewing a retailer's license under RSA 78:2, a sign reading "State law prohibits the sale of tobacco products to persons under age 18. Warning: Violators of this provision may be subject to fine." The sign shall be posted at any location where tobacco products are sold or distributed. The commissioner of revenue administration shall adopt rules under RSA 541-A relative to placement of these warning signs in areas where tobacco products are sold or distributed.

IV. Any person who violates paragraph II of this section shall be guilty of a violation and shall be punished by a fine of not more than \$25 for the first offense, and not more than \$50 for the second and subsequent offenses. No person 12 years of age or younger shall be prosecuted under this section.

V. The commissioner of revenue administration shall adopt rules under RSA 541-A relative to the enforcement and administration of this section.

78:12-c Person Misrepresenting Age. A person who falsely represents his age for the purpose of procuring tobacco products and who procures such tobacco products shall be guilty of a violation and subject to the fines set forth in RSA 78:12-b, IV.

(62:3 Effective Date. This act shall take effect January 1, 1987.

Approved May 28, 1986
Effective January 1, 1987

REC'D 3/9/88 ~~SK~~

PAGE 1

FROM DAN THOMPSON
VEND ALASKA

OFFICES: 1890 MARINA, FAIRBANKS, AK. 99709
3008 RAMPART DRIVE, ANCHORAGE, AK. 99501

OUTLINE OF TESTIMONY BEFORE SENATE
JUDICIARY COMMITTEE ON 3-8-88

OUR BUSINESS WOULD SUFFER SIGNIFICANTLY IF
SB 339 PASSES IN ITS ORIGINAL FORM.

WE HAVE A SUBSTANTIAL INVESTMENT IN EQUIPMENT
THAT CAN'T BE RECOVERED IF THIS BILL PASSES.
WE ~~ARE~~ WILL LOSE 2 EMPLOYEES (ROUTE WORKERS)
~~STAFF~~ AND WILL HAVE TO REDUCE SUPPORT STAFF AS
WELL (REPAIRMEN, WAREHOUSE AND CLERICAL).

THE FOLLOWING ARE TYPES CUSTOMERS (LOCATIONS)
THAT WOULD BE ADVERSELY AFFECTED AND THEIR PER
CENTAGE OF ^{OUR} LOST SALES.

MILITARY - 66% - WE WERE RECENTLY AWARDED
A 5 YEAR CONTRACT FOR VENDING SERVICE ON
ELENDORF AFB AND FT. RICHARDSON AND HAVE ~~5~~
4 YEARS LEFT ON A ~~GENERAL~~ LIKE CONTRACT
ON FT. WILKINSON, EIELSON AFB AND FT. GREELY.
COR BID WAS BIDD IN PART IN SALES OF CIGARETTES
IN BARRACKS HOUSING. SALES THAT ARE LEGAL NOW
BUT THE MACHINES WOULD BE OUTLAWED BY SB 339.

PRIVATE LOCATIONS - 8% - PRIVATE BUSINESSES

AND ORGANIZATIONS NOT NORMALLY OPEN TO THE PUBLIC, SUCH AS EMPLOYER BREAK ROOMS, WOULD BE TERMINATED BY SB 339. THEY REPRESENT AN IMPORTANT PART OF OUR OVERALL PRODUCT SALES MIX.

IN NEITHER OF THE ABOVE TYPES OF LOCATIONS CAN CHILDREN (MINOR) NORMALLY GAIN ACCESS.

PUBLIC LOCATIONS - 28% - THESE ^{LOCATIONS} INCLUDE HOTELS

RESTAURANTS AND DRINKING & DINING FACILITIES THAT ALTHOUGH THEY MAY SELL BEER, WINE OR HARD LIQUOR MAY NOT SELL CIGARETTES THROUGH OUR VENDING MACHINES UNDER SB 339 AS PROPOSED BECAUSE THEY HAVE EMPLOYEES WHO ARE UNDER 19 YEAR OF AGE AS THEY ARE PERMITTED UNDER ALASKA LIQUOR LAW REGULATIONS.

FOR EXAMPLE A CIGARETTE MACHINE ~~IS~~ WOULD BE PROHIBITED IN A HOTEL COCKTAIL LOUNGE IF THEY HAD AN 17 YEAR OLD DISHWASHER IN THE KITCHEN.

WE OPPOSE SALES OF CIGARETTES TO MINORS AND WOULD SUPPORT REASONABLE LEGISLATION WORKING TOWARD THAT END. HOWEVER, SB 339 WOULD ELIMINATE VENDING MACHINES THAT MINORS DON'T HAVE ACCESS TO OR ^{EVEN THOSE} THAT ARE SUPERVISED BY ADULTS.

THEREFORE WE SUGGEST THAT THE BILL BE CHANGED TO:

- ① MAKE IT ILLEGAL FOR POSSESSION OR PURCHASE OF CIGARETTES BY A MINOR.
- ② ELIMINATE THE PROVISION PROHIBITING VENDING MACHINE SALES OF CIGARETTES IN ESTABLISHMENTS WITH EMPLOYEES UNDER 19 YEARS.
- ③ EXEMPT MILITARY INSTALLATIONS AND PRIVATE BUSINESSES AND ORGANIZATIONS WHOSE VENDING MACHINES ARE NOT NORMALLY ACCESSIBLE TO THE GENERAL PUBLIC.
- ④ PROVIDE THAT PUBLIC LOCATIONS NEED ONLY HAVE VISUAL SUPERVISION BY AN ADULT EMPLOYEE OF THAT FACILITY.

⑤ PROVIDE THAT CIGARETTE VENDING MACHINES BE PROHIBITED ONLY IF LOCATED IN A PUBLIC UNSUPERVISED AREA

THESE ARE SEVERE ECONOMIC TIMES IN ALASKA AND SB 339 ~~WOULD~~ IN ITS ORIGINAL FORM WOULD HAVE A SERIOUS ~~IMPACT~~ NEGATIVE IMPACT ON OUR ~~SMOKE~~ ^{VENDING} INDUSTRY AND ON THE EMPLOYEES AND OWNERS THAT MAKE THEIR LIVING FROM VENDING. WE WILL LOSE 2 EMPLOYEES AND THE INDUSTRY ^{OVERALL} WILL LOSE 12-15 WORKERS. SUPPORT STAFF ~~STAFFS~~ WILL ALSO BE CUT. ONE SMALL VENDOR IN SITKA (~~MR.~~ MR. WITCHER) WOULD PROBABLY GO OUT OF BUSINESS.

WE HOPE THAT YOU CONSIDER OUR INPUT AND THAT SB 339 CAN BE AMENDED TO HELP CURTAIL SMOKE^{ING} BY MINORS WITHOUT PUTTING ALASKANS OUT OF WORK.

THANK YOU FOR YOUR CONSIDERATION.

DAN THOMPSON