

**HB884**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/92

FURTHER:

DATE TURNED INTO OFFICE: 8-9-92

The Finance Committee considered CS FOR HOUSE BILL NO. 84(2d FINANCE) am

"An Act relating to the offense of selling or giving tobacco to a minor; requiring certain retailers to post a tobacco warning sign; relating to the suspension or revocation of a license to sell, purchase, possess, or acquire cigarettes; and relating to supervision of cigarette vending machines."

and recommends:

- replace with CS (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

- do pass
- do not pass
- no recommendation
- individual recommendations

SCS CS HB 84(FW)  
to follow  
5-8-92 hcl

NEW FISCAL NOTES: Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

appropriation--no fiscal note

DO PASS

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

OTHER RECOMMENDATIONS:

1. [Signature]

Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

05/04/92 S(FIN.)

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill No. SCS CSHB 84 (L & C)

Revision Date: 04/21/92  
Title: An Act relating to the sale, exchange,  
or giving of tobacco and tobacco products  
Sponsor: Brown  
Requestor: Labor & Commerce

Department Affected: Alaska Court System  
BRU: Trial Courts  
Components: \_\_\_\_\_

COMPONENT SERIAL NO. 

000   000	000   768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

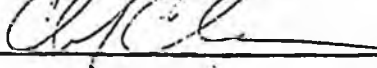
GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

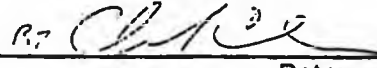
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)  
  
No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
Division: Alaska Court System Date: 04/21/92

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 04/21/92  
Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

1992 LEGISLATIVE SESSION

(S) Publish Date: 4-17-92

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development  
 Title: An Act relating to the offense of selling or giving tobacco to a minor... BRU: Occupational Licensing  
 Component: Administration  
 Sponsor: Reps. Brown, Ellis, B. Davis  
 Requestor: Rep. Brown COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	2.0	2.0	2.0	2.0	2.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - GF/PR	2.0	2.0	2.0	2.0	2.0	2.0
TOTAL	2.0	2.0	2.0	2.0	2.0	2.0

POSITIONS:

FULL-TIME	Changes in <u>SCS CS HB 84 (FIN)</u> reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate. <u>5-8-92</u> date <u>J. Strickler</u> Form 5-8-92 (initial)
PART-TIME	
TEMPORARY	

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

The expenditure identified in this fiscal note results from Section 8 of the bill which requires making a consumer warning sign available to businesses that obtain the tobacco endorsement on their business license. An authorization from program receipts collected in the business licensing program is requested.

Prepared By: Jennifer Strickler Phone: 465-2144  
 Division: Occupational Licensing Date: 04/10/92  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Department of Commerce & Economic Development Date: 4-18-92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE No. 11

Bill Version: SCS CS HB 84 (LIC)

(S) Publish Date: 4-17-92

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Revision Date: April 10, 1992  
Title: Prohibiting Sale of Tobacco

Department Affected: Department of Revenue  
BRU: Revenue Operations  
Component: Income and Excise Audit

Sponsor: Brown  
Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. | 1 | 1 | 3 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LANDS & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE FUND SOURCE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \$0.0

ANALYSIS: This fiscal note updates our previous fiscal note of January 21, 1992 due to an amendment by the House of Representatives. This amendment has no impact on the Department of Revenue.

Prepared By: Paul Dick Phone: (907) 465-2320  
Division: Income and Excise Audit Date: April 10, 1992

Approved by Commissioner: Darrel J. Rexwinkel Date: 4/12/92  
Agency: Department of Revenue

Distribution (by preparer): Leg. Fin., Legislative Sponsor

Rev 10/91

Changes in SCS CS HB 84 (LIC) have no fiscal impact. This fiscal note is appropriate.

5-8-92 date J. Luccan Comte Aide (initial)

Agency(ies).

Page 1 of 1

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:

Referred:

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 (c) 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.

SFC-92  
5-8-92 PM  
RS

*Adopted*

AMENDMENT # 1 SHULTZ  
*Pg. 2, line*

Page 1, lines 6 through 8: Delete all of Section 1.

Rationale: This language (section) is not essential to the bill. It is a statement. If we want to separate these findings into a resolution for an up or down vote fine, but not everyone voting for this legislation should be expected to agree with these findings.

SFC-92  
5-8-92 pm

Adopted  
~~Rescinded~~

Keep -  
"Neg ligently"

AMENDMENT #2 SHULTZ

*- Keep*  
Page 2, line 11: Replace negligently with intentionally.

Rationale: We should not be punishing people unless they intentionally or deliberately sell tobacco to minors. If a mistake is made a warning should be given before someone is slapped with a \$300.00 fine. If we are going to set out penalties for negligence they should be less onerous than the ones for those who intentionally sell to minors.

SFC-92  
5-8-92 PM  
RS  
Adopted  
4-1

AMENDMENT # 3 SHULTZ

Page 2, line 26: Delete the words not open to the public and replace with "which is not generally considered a public place."

Rationale: Not open to the public implies the public is not permitted in the room. This is too restrictive.

SLC-92  
5-8-92pm  
Adopted

AMENDMENT # 4 SHULTZ

Page 3, line <sup>26</sup>28: Delete th word shall and insert the word  
may.

Rationale: The department should have the option to impose  
penalties not be mandated.

SFC-92  
5-8-92 PM  
RS  
Accepted

AMENDMENT # 5 SHULTZ

Page 3, lines 27 and 28: Before 45 and 90 days insert the words "not more than."

Rationale: Again this give the department the option of the penalty imposed so they can make it match the severity of the infraction.

SFC-92  
5-8-92 PM  
Adopted  
RS

AMENDMENT # 6 SHULTZ

Page 4, add a new section to define "supervise" as it pertains to cigarette vending machines to read as follows:

Supervise in this chapter means reasonably monitor the use of.

# Representative Kay Brown

ALASKA STATE LEGISLATURE

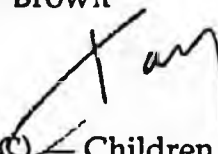
Legislative Information Office  
3111 C Street #435  
Anchorage, Alaska 99503  
(907) 561-7627

During Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4998

TO: Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

FROM: Representative Kay Brown

DATE: May 4, 1992

SUBJ: SCS CS HB 84 (L & C)  Children & Tobacco Addiction

Dr. John Allen, president of the American Lung Association said it best:

"If, in the United States, five 727s with 200 people each crashed every day of every week of every month of every year... sooner or later someone would say: 'We've got to do something about this.'"

Significantly, adults only rarely start smoking — children do. Approximately 60% of current smokers started by age 14, some 90% by age 19. The *average* age for first use of cigarettes is 13, for smokeless tobacco it is 10 years old. Clearly, prevention strategies must focus on children.

Tobacco kills some 430,000 Americans each year — more persons each year than are killed by alcohol (including drunk driving), cocaine, crack, heroin, homicide, suicide, car accidents, fires and AIDS combined. Costs attributable to tobacco related death and disability are as high as \$95 billion. At the same time, the tobacco industry spends billions of dollars each year to attract and addict young new "replacement smokers." (In 1988, the industry spent \$3.27 billion on cigarette advertising and promotions.)

SCS CS HB 84 (L & C) has three basic elements. It would: 1) restrict placement of tobacco vending machines to adult only locations; 2) require the placement of warning signs at the point of retail sale; and 3) strengthen current enforcement provisions regarding illegal tobacco sales to children. While respecting the rights of *adults* to make informed choices about their personal lives, SCS CS HB 84 (L & C) is needed to help prevent *children* from being manipulated by sophisticated advertising practices leading to tobacco product addiction, illness and death.

As indicated by the attached listing, SCS CS HB 84 (L & C) has broad support throughout Alaska. I appreciate your consideration of this legislation.

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace  
Eastridge • Penland Park • Airport Heights • Government Hill

*Support for...*

## House Bill 84

### Children & Tobacco Addiction Prevention

American Cancer Society  
Alaska State Medical Association  
Alaska Nurses Association  
Aleutian/Pribilof Islands Association, Inc.  
Substance Abuse Directors Association of Alaska  
Alaskans for Drug-Free Youth  
American Lung Association of Alaska  
Alaska Federation of Natives  
Alaska Native Health Board  
Alaska Family Support Group  
Anchorage Health & Human Services Commission  
Cordova Medical Clinic  
Kodiak Island Hospital & Care Center  
Kodiak Area Native Association  
Ketchikan Task Force on Substance Abuse  
Tanana Chiefs Conference  
North Slope Dept. of Health & Social Services  
Norton Sound Health Corporation  
Bristol Bay Area Health Corporation  
Southcentral Foundation  
Alaska Department of Health and Social Services  
Yukon-Kuskokwin Health Corporation  
North Star Vending

*... as well as numerous doctors, parents, teachers, health care providers  
and other individual Alaskans.*

House Bill No. 84

For an Act entitled: "An Act relating to the sale, exchange, or giving of tobacco and tobacco products."

Summary

This bill amends AS 11.76.100, Selling or giving tobacco to a minor and AS 43.50. Article 1, Cigarette Tax Act, Sections 10 and 20, License and Separate Licenses. The bill repeals Subsection (b) and (c) of AS 11.76.100 and subsection (c) of AS 43.50.030. These subsections refer to the offense committed through the sale of tobacco products to a minor by vending machines and the licensing of vending machine operators to sell tobacco products. Section 107 is added to AS 11.76 prohibiting the sale of tobacco products by vending machines and provides for a fine of not less than \$300.00 for those found in violation. Subsection (d) in AS 11.76.100 is amended to fine persons not less than \$300.00 who are convicted in violation of selling or giving tobacco to a minor. Section 43.50.070(1) is amended to provide for suspension or revocation of license for those found criminally negligent in violation of selling tobacco products to minors or the sale of tobacco products through vending machines.

Subsection (f) is added to AS 43.50.010 and requires persons holding a license to sell tobacco products to post an 11 by 14 inch warning sign that reads "WARNING: Tobacco products are highly addictive. The sale of tobacco products to persons under age 19 is illegal." This sign must also depict a pack of cigarettes defaced by a red diagonal diameter within a surrounding red circle.

Discussion

Only a very small percentage of smokers begin smoking as adults. Efforts at prevention must focus on children. Vending machines are the main source of cigarettes for the youngest children.

Nicotine addiction becomes quickly established in children as evidenced by studies that document the difficulty children have in quitting. Given the prevalence of smoking in the Alaska (33.8%) and the Nation (26.5%), tobacco use is the most widespread form of drug dependency. The sale of tobacco should be considered as seriously as the sale of alcohol and other

addictive drugs.

In addition, tobacco-use represents the most extensively documented cause of disease ever investigated in the history of biomedical research. There are forty-three identified carcinogens present in tobacco smoke and high concentrations of carcinogenic tobacco-specific nitrosamines found in smokeless tobacco.

Maternal smoking is associated with several complications of pregnancy in addition to a 25 to 50 percent high rate of fetal and infant death among women who smoke during pregnancy.

The economic impact of smoking in Alaska, the smoking attributable direct and indirect costs, was 82.3 million in 1985. This includes 2.4 million in pediatric deaths associated with smoking.

Alaska is among the states at highest risk for tobacco use and its devastating health consequences. Alaska has the highest age-adjusted lung cancer death rate in the Nation. Close to 90% of all lung cancer deaths are caused by cigarette smoking and 43.4% of Alaska males over 20 smoke, the highest smoking rate in the country.

Cancer was the second leading cause of death in Alaska in 1986 and 1987, accounting for 21% of all deaths, 30 percent of all cancer deaths and again, 90% of all lung cancer deaths are caused by smoking.

Recent studies by the Centers for Disease Control and the American Cancer Society rank Alaska second in the nation with deaths from oral and pharyngeal cancer and tied for third in our death rate from all cancers. Risk taking behaviors associated with oral and pharyngeal cancer are tobacco use and heavy alcohol consumption.

The elimination of vending machines will make tobacco products less available and reduce children's and adolescent's opportunity to experiment with tobacco products and lessen the likelihood that children will develop a regular pattern of use.

Studies have shown that children and adolescents who start to smoke do not understand the nature of tobacco addiction and are unaware of or underestimate important health consequences of smoking. Children and adolescents decision to smoke is therefore not a fully informed choice.

Studies by states and voluntary health organizations have shown that merchant compliance with tobacco access laws is

low. A recent study reported that 80 percent of the retailers in five states were violating the law and selling to minors. However, compliance with the law was six times greater in stores where signs were posted compared to stores without signs. The posting of the sign as required by this bill, will increase the difficulty a minor has in obtaining tobacco products through a higher merchant compliance with the law.

The initiatives contained in this bill are becoming more widespread. Legislation restricting the sale of tobacco products through vending machines exists in nine states with Colorado banning the sale of smokeless tobacco products through vending machines.

There are currently 22 cities and/or counties in the U.S. that have a total ban on vending machine sales of tobacco products. In addition, there are 14 states that require the posting of signs relating to prohibiting the sale of tobacco products to minors.

In addition, the 100th Congress introduced legislation, (H.R. 3658), that included the limiting of sales of tobacco products to over-the-counter (prohibiting vending machine sales) and requiring every retail establishment selling tobacco products to post a sign stating "The sale of cigarettes to minors is strictly prohibited".

Given both the highly addictive nature of tobacco use and its adverse health consequences, it is important to protect children and adolescents from using tobacco until they are capable of making a mature and informed decision.

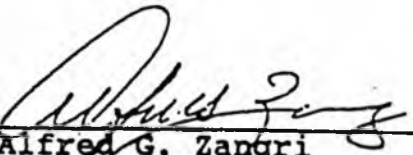
This bill would compliment the laws already in place that are known to reduce the availability of tobacco products to children 1) restricting the sale of tobacco products to minors; 2) banning the use or possession of tobacco by minors; 3) banning vending machines and 4) the posting of signs at the point-of-purchase. Banning the free distribution of tobacco product samples is the fifth policy shown to be effective in preventing initiation of tobacco addiction.

Although addiction is one of the health consequences of the use of tobacco products, the Department recommends strengthening the message on the sign; for example "WARNING: Tobacco products are highly addictive, hazardous to your health and may cause complications during pregnancy. The sale of tobacco products to persons under age 19 is illegal." Stronger language may be substituted such as "a cause of lung disease and cancer".

Recommendation


The Department strongly supports this bill which will help prevent the initiation of smoking among young children and adolescents.

Recommended: \_\_\_\_\_

  
Alfred G. Zangri  
Acting Director  
Division of Public Health

Date: \_\_\_\_\_

Approved: \_\_\_\_\_

  
Theodore Mala, M.D., M.P.H.  
Commissioner  
Department of Health  
and Social Services

Date: \_\_\_\_\_

2/25/91

CSHB 84 (L&C): "An Act relating to the offense of selling or giving tobacco to a minor; prohibiting sale of tobacco products by vending machine; requiring certain retailers to post a tobacco warning sign; and relating to the suspension or revocation of a license to sell, purchase, possess, or acquire cigarettes."

The bill attempts to reduce the availability of tobacco products by prohibiting the sale of tobacco products by vending machines. The bill also requires the court to notify the business licensing section of the Department of Commerce and Economic Development of any person convicted of violating the prohibition on vending machine sales in order to facilitate suspension of the person's business license tobacco endorsement. The department must also provide a consumer warning sign to be posted by all businesses that are issued the tobacco endorsement on their business license.

CSHB 84 (L&C) will strengthen existing laws concerning the illegal sale of tobacco to minors under the age of 19 by removing the availability of tobacco vending machines and, therefore, the department supports passage of the bill.

  
Glenn A. Olds, Commissioner

Date: 3-22-91

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

MEMORANDUM

April 17, 1991

SUBJECT: Tobacco warning signs - (CSHB 84(L&C))  
TO: Representative Kay Brown  
FROM: Michael F. Ford *M.F.F.*  
Legislative Counsel

You have asked for our review of a memorandum that concludes that the tobacco warning sign required under sec. 10 of CSHB 84(L&C) is preempted by federal law. It is our conclusion that this legal analysis is misapplied to the warning sign required by CSHB 84(L&C).

The legal authority cited by the memorandum would preempt an attempt by the state to alter the package, labeling, or advertising warnings placed on tobacco products. However the warning sign contained in CSHB 84(L&C) is not attached to the cigarette package or label and is not associated with cigarette advertising. The memorandum cites no authority to support the conclusion that this specific form of cigarette warning sign has been preempted by federal law.

The memorandum also states that several other states have declined to require this type of warning sign. The fact that other states have declined to require this form of warning does not preclude this state from doing so.

Please contact me if you have further questions.

MFF:pl  
91-269.plm



Tom Fink,  
Mayor

# Municipality of Anchorage

## Municipal Health & Human Services Commission

825 "L" Street

P.O. Box 196650 • Anchorage, Alaska 99519-6650



Telephone:  
(907) 343-4674

May 1, 1992

Senator Pat Pourchot, Co-Chair  
Senate Finance Committee  
State Capitol  
Juneau, AK 99801-1182

RECEIVED  
MAY 4 1992

Dear Senator Pourchot,

The Municipality of Anchorage Health and Human Services Commission has reviewed CS HB 84 which is designed to reduce the illegal sale of tobacco products to children. We understand that the bill is currently being considered by the Senate Finance Committee and strongly urge you to give it favorable consideration.

The costs of tobacco consumption have been well documented. Tobacco causes more premature deaths than AIDS, alcohol and drug use, automobile accidents, homicides, and suicides combined.

Due to its addictive properties, a variety of strategies must be employed in order to significantly reduce tobacco consumption. Some of the most effective strategies involve reducing the number of new teen-age smokers. (Approximately 60 percent of current smokers started by age 14, 90 percent by age 19.)

Banning cigarette sales through vending machines will eliminate one of the easiest ways for minors to acquire cigarettes. Studies have shown that young smokers rely most heavily on vending machines as a source of tobacco products because no one will stop them from purchasing tobacco from this source.

The compromise which would restrict the placement of vending machines to bars and private adult clubs is reasonable. The rights of adults to make informed choices about their personal lives and bear the consequences are protected as well as the rights of children to be protected from addiction to tobacco products.

Sincerely,

*Rich Towell USA*

Richard Towell, Chair  
Municipal Health and Human Services Commission

cc: Helen D. Beirne, Ph.D., Director  
Municipality of Anchorage  
Department of Health and Human Services