

**ANCHORAGE, ALASKA
AO No. 2019-90(S)**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CERTAIN**
2 **SECTIONS OF ANCHORAGE MUNICIPAL CODE TITLE 14 TO INCREASE THE**
3 **MINIMUM LEGAL AGE TO PURCHASE TOBACCO PRODUCTS TO 21,**
4 **INCLUDING ELECTRONIC SMOKING PRODUCTS AND PRODUCTS**
5 **CONTAINING NICOTINE IN THE REGULATION OF TOBACCO PRODUCTS,**
6 **MAKE CONFORMING AMENDMENTS TO THE FINE SCHEDULE IN TITLE 14**
7 **AND COMPLEMENTARY AMENDMENTS TO TITLE 12, AND RELATED**
8 **MATTERS.**

9
10 **WHEREAS**, Tobacco use is the number one cause of preventable death in the
11 United States, at approximately 480,000 per year; and

12
13 **WHEREAS**, Every year in Alaska, healthcare costs directly caused by smoking are
14 about \$438 million, and more people die from direct tobacco use than from suicide,
15 motor vehicle crashes, liver disease, homicide, and HIV/AIDS combined; and

16
17 **WHEREAS**, National data shows that 95% of adult smokers begin smoking before
18 they turn 21 years old, and that the ages of 18 to 21 are a critical period when many
19 smokers move from experimental smoking to daily use; and

20
21 **WHEREAS**, Over 360 cities across the country have raised the minimum legal sales
22 age of tobacco to 21 years old, in response to a national initiative effort called
23 "Tobacco 21"; and

24
25 **WHEREAS**, Most of the tobacco acquired by youth under 18 comes from social
26 sources, and Tobacco 21 policies have resulted in a decrease of high school aged
27 tobacco use by up to 50%; and

28
29 **WHEREAS**, Last year, the City and Borough of Sitka became the first jurisdiction in
30 Alaska to pass a measure raising the legal age to purchase tobacco to 21, following
31 a study and poll by the Sitka Health Needs and Human Services Commission
32 showing 71.5% of Sitkans supported raising the minimum age to buy tobacco; and

33
34 **WHEREAS**, The Anchorage Assembly supports the objectives of Tobacco 21 to
35 support our young people by reducing access and delaying the decision to use
36 tobacco, alleviating the detrimental effects from tobacco in the Municipality of
37 Anchorage; and

38
39 **WHEREAS**, The Alaska Legislature and Governor passed Senate Bill 15 in 2018,
40 which regulates electronic smoking products (used for vaping) and products
41 containing nicotine (except those under prescription or an other use exception) and
42 outlines certain prohibitions on tobacco use, sale and possession; and

1 **WHEREAS**, A consortium of national public health organizations, including the
2 Cancer Action Network of the American Cancer Society and the American Lung
3 Association, released a “Tobacco 21: Model Policy” document on April 12, 2019, to
4 assist states and local governments considering raising the legal age to purchase
5 tobacco products to 21; and

6
7 **WHEREAS**, The Anchorage Assembly desires to update the Anchorage Municipal
8 Code similarly to how the State has, with guidance from the Model Policy, and to
9 make complementary and conforming amendments in its tax, regulation, and use
10 restriction regulations for tobacco products; now, therefore,

11
12 **THE ANCHORAGE ASSEMBLY ORDAINS:**

13
14 **Section 1.** Anchorage Municipal Code chapter 14.70 is hereby amended by
15 adding a new section 14.70.005 to read as follows:

16
17 **14.70.005 – Definitions for sections 14.70.005 to .030.**

18
19 Definitions. The following words, terms, and phrases, when used in sections
20 14.70.005 through .030, shall have the meanings ascribed to them in this
21 section, except where the context clearly indicates a different meaning:

22
23 “Distribute” or “Distribution” means to furnish, give, provide,
24 sell, or to attempt to do so, whether gratuitously or for compensation.

25
26 “Electronic smoking device” means any device that may be
27 used to deliver any aerosolized or vaporized substance to the person
28 inhaling from the device, including, but not limited to, an e-cigarette,
29 e-cigar, e-pipe, e-hookah, or vape pen. Electronic smoking device
30 includes any component, part, or accessory of the device, and also
31 includes any substance intended to be aerosolized or vaporized
32 during the use of the device, whether or not the substance contains
33 nicotine. Electronic smoking device does not include marijuana or
34 marijuana products, nor drugs, devices, or combination products
35 authorized for sale by the U.S. Food and Drug Administration, as those
36 terms are defined in the Federal Food, Drug and Cosmetic Act.

37
38 “Retail adults-only tobacco store” means any retail
39 establishment which:

- 40 a. Primarily sells tobacco products;
41 b. Prohibits any person under the age of 21 from entering
42 such retail establishment in accordance with subsection
43 14.70.020B.;
44 c. Has not been the site of two or more citations for a
45 violation of this section in the previous 180 days unless
46 all or all but one of such citations are overturned on
47 appeal; and
48 d. Posts warning signs as described in subsection
49 14.70.020C.
50

1 "Tobacco product" means

- 2 a. any product containing, made of, or derived from
3 tobacco or nicotine that is intended for human
4 consumption or is likely to be consumed, whether
5 inhaled, absorbed, or ingested by any other means,
6 including, but not limited to, a cigarette, a cigar, smoking
7 tobacco, cheroot, stogie, perique, clove, kretek, chewing
8 tobacco, iqmik, snuff, or snus;
9 b. any electronic smoking device and any substances that
10 may be aerosolized or vaporized by such device,
11 whether or not the substance contains nicotine; or
12 c. any component, part, or accessory of a. or b. above,
13 whether or not any of these contain tobacco or nicotine,
14 including, but not limited to, filters, rolling papers, blunt
15 or hemp wraps, and pipes. Tobacco product does not
16 include marijuana or marijuana products, nor drugs,
17 devices, or combination products authorized for sale by
18 the U.S. Food and Drug Administration, as those terms
19 are defined in the Federal Food, Drug and Cosmetic Act.
20

21 "Tobacco retailer" means any person who owns, operates, or
22 manages any retail establishment where tobacco products are
23 available for sale to the general public. The term includes, but is not
24 limited to, any person who owns a controlling interest, operates, or
25 manages a grocery store, retail adults-only tobacco store,
26 convenience store, gasoline service station, bar, or restaurant.
27

28 **Section 2.** Anchorage Municipal Code section 14.70.020 is hereby amended to
29 read as follows (*the remainder of the chapter is not affected and therefore not set*
30 *out*):
31

32 **14.70.020 - Restrictions on the manner of selling [TOBACCO AND]
33 tobacco products, including electronic smoking devices
34 [products, and products containing nicotine].**
35

36 A. [DEFINITIONS.]
37

38 [1. "RETAIL ADULTS-ONLY TOBACCO STORE" MEANS ANY
39 RETAIL ESTABLISHMENT WHICH:

- 40 a. PRIMARILY SELLS TOBACCO AND TOBACCO
41 PRODUCTS WHILE ONLY INCIDENTALLY
42 OFFERING OTHER PRODUCTS;
43 b. PROHIBITS ANY PERSON UNDER THE AGE OF 19
44 FROM ENTERING SUCH RETAIL ESTABLISHMENT
45 UNLESS SUCH PERSON UNDER 19 YEARS OF AGE
46 IS ACCOMPANIED BY A PARENT OR LEGAL
47 GUARDIAN;
48 c. HAS NOT BEEN THE SITE OF TWO OR MORE
49 CITATIONS FOR A VIOLATION OF THIS SECTION IN
50 THE PREVIOUS 180 DAYS UNLESS ALL OR ALL BUT

1 ONE OF SUCH CITATIONS ARE OVERTURNED ON
2 APPEAL; AND

3 d. POSTS ONE OR MORE SIGNS DESCRIBED IN THE
4 NEXT SENTENCE VISIBLE FROM ANY ENTRANCE
5 TO SUCH RETAIL ESTABLISHMENT.

6 i. EACH OF THE SIGN(S) REFERENCED IN THIS
7 SUBSECTION SHALL BE AT LEAST SIX
8 INCHES BY 18 INCHES; MUST STATE THAT IT
9 IS A RETAIL ADULTS-ONLY TOBACCO
10 STORE; MUST READ, IN LETTERING AT
11 LEAST 1.25 INCHES HIGH, "THE SALE OF
12 TOBACCO PRODUCTS TO PERSONS UNDER
13 AGE 19 IS ILLEGAL"; AND MUST STATE THAT
14 NO PERSON UNDER 19 YEARS OF AGE MAY
15 ENTER THE RETAIL ESTABLISHMENT
16 UNLESS SUCH PERSON UNDER 19 YEARS
17 OF AGE IS ACCOMPANIED BY SUCH
18 PERSON'S PARENT OR LEGAL GUARDIAN.]
19

20 [B.] Retail sales generally; restricted access. Except in [FOR] a retail
21 adults-only tobacco store, it is unlawful to [FOR A PERSON
22 NEGLIGENTLY TO] sell or offer to sell tobacco products
23 [CIGARETTES, CIGARS, TOBACCO, OR A PRODUCT
24 CONTAINING TOBACCO] in any manner that allows any person but
25 the sales clerk to control access to the tobacco products
26 [CIGARETTES, CIGARS, TOBACCO, OR PRODUCT CONTAINING
27 TOBACCO] prior to sale. This subsection does not apply to:

- 28 1. [SUBSECTION B. OF THIS SECTION DOES NOT APPLY TO]
29 wholesale transactions in which the person selling the tobacco
30 products at wholesale pricing [CIGARETTES, CIGARS,
31 TOBACCO, OR PRODUCTS CONTAINING TOBACCO] is
32 licensed as a manufacturer or distributor under AS 43.50.010.
33 2. [SUBSECTION B. OF THIS SECTION DOES NOT APPLY TO]
34 sales by vending machines which are located in compliance
35 with section 14.70.030C. [:

36 a. AS FAR AS PRACTICAL FROM ANY ENTRANCE ON
37 THE INSIDE OF THE LICENSED PREMISES OF A
38 VALID, EXISTING BEVERAGE DISPENSARY
39 LICENSE, A CLUB LICENSE, OR A PACKAGE STORE
40 LICENSE ISSUED UNDER ALASKA STATUTES
41 4.11.090, 4.11.110, AND 4.11.150 RESPECTIVELY;
42 AND

43 b. THE LOCATION DESCRIBED IN SUBSECTION B.2.A.
44 OF THIS SECTION IS DIRECTLY AND CONTINUALLY
45 SUPERVISED BY A PERSON EMPLOYED ON THE
46 LICENSED PREMISES WHEN THE VENDING
47 MACHINE IS ACCESSIBLE TO THE PUBLIC.]
48

49 [C]. Retail adults-only tobacco store regulations.

- 50 1. Any owner of a retail adults-only tobacco store or agent or

1 employee of such owner that allows any person other than
2 [BUT] the sales clerk to have access to the tobacco products
3 [CIGARETTES, CIGARS, TOBACCO, OR PRODUCT
4 CONTAINING TOBACCO] prior to sale shall not
5 [NEGLIGENTLY] allow any person under the age of 21 [19] to
6 enter or remain in the retail establishment, unless such person
7 [UNDER 19 YEARS OF AGE] is:

8 a. accompanied by a parent, [OR] legal guardian, or
9 spouse who has attained the age of 21 years; or

10 b. 19 or 20 years of age and employed by the retail
11 establishment on or before [enter effective date of
12 ordinance] and who enters only for purposes of
13 employment. After [enter effective date of ordinance],
14 the owner of a retail adults-only tobacco store, or agent
15 or employee of the owner, shall not allow any employee
16 under the age of 21 and hired after [enter effective date
17 of ordinance] to work at the retail establishment.

18 2. Notwithstanding subsection B.1. of this section, the owner of a
19 retail adults-only tobacco store or an agent or employee of such
20 owner may refuse entry to a person under the age of 21 years
21 or may require a person under the age of 21 years to leave the
22 retail establishment.

23
24 C. Posting warning signs required.

25 1. Any retail establishment that sells tobacco products, shall post
26 on the premises one or more warning signs in a manner
27 conspicuous to both employees and consumers, entirely
28 unobstructed from view, and within six (6) feet of each point of
29 sale device or register where tobacco products are available for
30 purchase. These warning signs must include a statement
31 compliant with state law, or substantially similar to this
32 statement: **“NO PERSON UNDER THE AGE OF 21 MAY**
33 **PURCHASE] WE MAY NOT SELL TOBACCO PRODUCTS,**
34 **INCLUDING ELECTRONIC SMOKING DEVICES, TO ANY**
35 **PERSON UNDER THE AGE OF 21.”**

36 2. In addition to signage required by subsection C.1., a retail
37 adults-only tobacco store shall post one or more warning signs
38 in a manner conspicuous to any person entering the
39 establishment, unobstructed from view in their entirety, which
40 warning signs state substantially either:

41 a. “NO PERSON UNDER 21 YEARS OF AGE MAY
42 ENTER UNLESS ACCOMPANIED BY A PARENT,
43 LEGAL GUARDIAN, OR SPOUSE 21 OR OLDER.”; or

44 b. If the establishment chooses to prohibit entry to all
45 persons under the age of 21 years: “NO PERSON
46 UNDER 21 YEARS OF AGE MAY ENTER THIS
47 ESTABLISHMENT.”

48 3. The warning signs required by this section shall be at least 8.5
49 inches by 11 inches, with lettering at least one-half inch in
50 height.

1
2 D. Not later than seven days after the date of the citation, the chief of
3 police or a designee shall notify the owner of record of any retail
4 establishment of a citation given under this section [GIVEN] to any
5 owner or agent or employee of such owner for a violation alleged to
6 have occurred at such retail establishment.

7
8 E. Violation of this section shall be punishable by a civil penalty in
9 accordance with chapter 14.60.

10
11 (AO No. 97-133(S), § 1, 11-11-97; AO 98-27(S-1), § 1, 3-3-98; AO No. 98-
12 59(S), § 1, 5-21 [19]-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2014-42, §
13 32, 6-21-14)

14
15 **Section 3.** Anchorage Municipal Code section 14.70.030 is hereby amended to
16 read as follows:

17
18 **14.70.030 – Selling or giving [SALE OF] tobacco products, including**
19 **electronic smoking devices, [products, and devices, or**
20 **products containing nicotine] to persons under the age of**
21 **21 [TO MINORS].**
22

23 A. It is unlawful for any person [19 YEARS OF AGE OR OLDER] to
24 [NEGLIGENTLY] sell, exchange, or give tobacco products
25 [CIGARETTES, CIGARS OR TOBACCO] in any form to any person
26 under 21 [19] years of age. A person commits this offense if the person
27 1. is a tobacco retailer and the retail establishment sells a tobacco
28 product to a person under 21 years of age;
29 2. exchanges or gives a tobacco product to a person under 21
30 years of age; or
31 3. maintains a vending machine that dispenses tobacco products
32 and is not located in compliance with subsection C. A person
33 maintains a vending machine if the person owns or controls the
34 machine or a facility in which the machine is located.
35

36 B. The tobacco retailer or agent or employee selling or offering to sell
37 tobacco products shall verify that a recipient is 21 years of age or older
38 prior to the sale, through examination of the recipient's government-
39 issued photographic identification. No such verification is required for
40 a person over the age of 30. That a purchaser appeared to be 30 years
41 of age or older shall not constitute a defense to a violation of this
42 section.
43

44 C. A vending machine that dispenses tobacco products may only be
45 located
46 1. on premises licensed as a beverage dispensary under AS
47 04.11.090, licensed as a club under AS 04.11.110, or licensed
48 as a package store under AS 04.11.150; and in a place that is
49 directly and continually supervised by a person employed on
50 the licensed premises during the hours the vending machine is

1 accessible to the public; or
2 2. in an employee break room or other controlled area of a private
3 work place that is not generally considered a public place **and**
4 **where persons under the age of 21 are not permitted**
5 **access at any time [, provided the room or area contains a**
6 **posted warning sign as described in subsection**
7 **14.70.020C.1].**
8

9 D. In a prosecution under subsection A, **it is an affirmative defense[s]**
10 **that [are]:**

11 ~~[1.]~~ the tobacco retailer or their agent or employee reasonably
12 relied on proof of age as described in subsection B.

13 ~~[2.]~~ **an electronic smoking product or product containing**
14 **nicotine sold, exchanged, or given to the person under the**
15 **legal age was intended or expected to be consumed**
16 **without being combusted, and the electronic smoking**
17 **product or product containing nicotine**

18 ~~a.~~ **has been approved by the U.S. Food and Drug**
19 **Administration for sale as a tobacco use cessation**
20 **or harm reduction product, or for medical purposes;**

21 ~~b.~~ **is being marketed and sold for the approved**
22 **purposes; and**

23 ~~c.~~ **is**
24 ~~i.~~ **prescribed by a health care professional,**
25 ~~ii.~~ **given to the person by the person's parent,**
26 **legal guardian, or spouse who has attained 21**
27 **years of age,**

28 ~~iii.~~ **provided by a government-approved tobacco**
29 **cessation program administered by the state**
30 **or the Anchorage Health Department, or**

31 ~~iv.~~ **provided by a pharmacist to a person 18 years**
32 **of age or older without a prescription.**

33
34 E. Nothing in this section prohibits an underage person from handling
35 tobacco products in the course of lawful employment and in
36 compliance with this code and State of Alaska statutes and policies.

37
38 F. Violation of this section by a tobacco retailer or other person shall be
39 punishable by a civil penalty in accordance with chapter 14.60.
40 Tobacco retailers and other persons shall each have separate penalty
41 structures.

42
43 (GAAB 18.05.010.X; AO No. 95-178, § 1, 9-26-95; AO No. 98-59(S), § 1, 5-
44 19-98; AO No. 2003-73, § 3, 4-22-03; AO No. 2014-42, § 32, 6-21-14)

45
46 **Section 4.** Anchorage Municipal Code chapter 14.70 is hereby amended by
47 adding new section 14.70.035 to read as follows:

48
49 **14.70.035 – Owner’s failure to supervise tobacco products vending**
50 **machine.**

- 1
- 2 A. A person commits the offense of failure to supervise a tobacco
- 3 products vending machine if the person owns the vending machine or
- 4 licensed premises where a vending machine is located (a beverage
- 5 dispensary under AS 04.11.090, a club under AS 04.11.110, or a
- 6 package store under AS 04.11.150), and the person fails to have an
- 7 employee supervise a vending machine on those premises as
- 8 required by subsection 14.70.030C.1.
- 9
- 10 B. In this section, "supervise" means reasonably monitor the use of.
- 11
- 12 C. Violation of this section shall be punishable by a civil penalty in
- 13 accordance with chapter 14.60.
- 14

15 **Section 5.** Anchorage Municipal Code section 14.70.040 is hereby repealed.
16 The text of the repealed section is set out in full below and marked for deletion:

17
18 **14.70.040 - Minors: Possession of tobacco products (Repealed).**

- 19
- 20 [A. A PERSON UNDER 19 YEARS OF AGE MAY NOT KNOWINGLY
- 21 POSSESS A CIGARETTE, A CIGAR, TOBACCO, OR ANY
- 22 PRODUCT CONTAINING TOBACCO.
- 23
- 24 B. VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A
- 25 CIVIL PENALTY IN ACCORDANCE WITH CHAPTER 14.60.]
- 26

27 (AO No. 95-178, § 2, 9-26-95; AO No. 98-59(S), § 1, 5-19-98; AO No. 2003-
28 73, § 3, 4-22-03; AO No. 2014-42, § 32, 6-21-14)

29
30 **Section 6.** Anchorage Municipal Code section 14.60.020 is hereby amended to
31 read as follows (*the remainder of the section is not affected and therefore not set*
32 *out*):

33
34 **14.60.020 - Application of fine schedule.**

35 *** **

- 36 D. Notwithstanding subsection A. of this section, a person upon whom a
- 37 civil fine or a civil penalty for violation of [SECTION 14.70.040
- 38 (MINORS: POSSESSION OF TOBACCO PRODUCTS), SECTION
- 39 14.70.050 (UNDERAGE DRINKING), OR] Section 14.70.060 (Minors:
- 40 curfew) has been imposed may elect to satisfy a maximum of \$250.00
- 41 of such fine or penalty by performing community work service as
- 42 assigned by the municipality's department responsible for the
- 43 community work service assignments. To satisfy any civil fine or
- 44 penalty imposed, performance of the community work service must
- 45 occur (a) within 60 days from the effective date of the final order; or
- 46 (b) if the person chooses to begin the community work service prior to
- 47 issuance of a final order, within 60 days of reporting for community
- 48 work service.
- 49 1. Any citation for a violation of [SECTION 14.70.040 (MINORS:
- 50 POSSESSION OF TOBACCO PRODUCTS), SECTION
- 51 14.70.050 (UNDERAGE DRINKING), OR] Section 14.70.060

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(Minors: curfew) shall include information advising how a person may elect to perform community work service in accordance with this subsection.

2. Community work service includes work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public lands, forests, parks, roads, highways, facilities, or education. Community work may not confer a private benefit on a person except as may be incidental to the public benefit.
3. Credit shall be given for all community work service hours completed by the person within the 60-day period. The community work service time will be credited against the fine at the rate used for other community work assignments. Any balance due on the fine shall be sent to the treasury division of the municipality's finance department for collection with interest accruing from that date.

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 97-107, § 2, 11-17-97; AO No. 98-8, § 1, 1-27-98; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2007-50, § 3, 4-10-07; AO No. 2014-42, § 30, 6-21-14)

Section 7. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

14.60.030 - Fine schedule.

The fine schedule under this chapter is as follows:

Code Section	Offense	Penalty/Fine
***	***	***
14.70.020A. or B.	Restrictions on manner of selling [TOBACCO AND] tobacco products	<u>500.00</u> [300.00]
<u>14.70.020C.</u>	<u>Failure to post warning signs (tobacco products)</u>	<u>50.00</u>
14.70.030A.	<u>Selling or giving tobacco products to persons under the age of 21: tobacco retailer</u> [SALE OF TOBACCO TO MINORS]	<u>First violation:</u> 500.00 [300.00]
		<u>Second violation in a 12-month period:</u> 750.00
		<u>Third and subsequent violations within a 12-month period:</u> 1,000.00

	<u>Selling or giving tobacco products to persons under the age of 21: other persons</u>	<u>300.00</u>
<u>14.70.030B.</u>	<u>Failure to verify age before selling tobacco products</u>	<u>50.00</u>
<u>14.70.035</u>	<u>Failure to supervise tobacco products vending machine</u>	<u>500.00</u>
[14.70.040]	[MINORS: POSSESSION OF TOBACCO PRODUCTS]	[100.00]
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(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No. 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16; AO No. 2016-76(S), § 7, 7-12-16; AO No. 2016-81(S), § 4, 8-25-16; AO No. 2016-83(S), § 9, 7-26-16; AO No. 2016-82, § 3, 8-9-16; AO No. 2016-116, § 2, 10-18-

1 **Section 9. The Assembly hereby waives the limitation on increasing fines**
2 **set forth in AMC section 3.99.020.**

3
4 **Section 10.** This ordinance shall be effective **August 20, 2019 [30 DAYS AFTER**
5 **PASSAGE AND APPROVAL BY THE ASSEMBLY].**

6
7
8 PASSED AND APPROVED by the Anchorage Assembly this 23rd day of July, 2019.

9
10
11 
12 _____
13 Chair

14 ATTEST:

15 
16 _____
17 Municipal Clerk
18



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 515-2019

Meeting Date: July 23, 2019

From: ASSEMBLY MEMBERS WEDDLETON, LAFRANCE AND QUINN-DAVIDSON

Subject: AO 2019-90(S): AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CERTAIN SECTIONS OF ANCHORAGE MUNICIPAL CODE TITLE 14 TO INCREASE THE MINIMUM LEGAL AGE TO PURCHASE TOBACCO PRODUCTS TO 21, INCLUDE ELECTRONIC SMOKING PRODUCTS AND PRODUCTS CONTAINING NICOTINE IN THE REGULATION OF TOBACCO PRODUCTS, MAKE CONFORMING AMENDMENTS TO THE FINE SCHEDULE IN TITLE 14 AND COMPLEMENTARY AMENDMENTS TO TITLE 12, AND RELATED MATTERS.

1
2 The S-version of the ordinance includes several changes recommended by local
3 spokespersons for national public health organizations. The changes from the
4 original AO 2019-90 are summarized as follows:
5

- 6 • For consistency with the defined terms, the amendments to the titles of
7 AMC sections 14.70.020 (p. 3 line 33) and 14.70.030 (p. 6 line 18) are
8 amended to use the product-descriptive phrasing "... tobacco products,
9 including electronic smoking devices, ..."
- 10 • The references to Chapter 14.70 regulation in the prohibited acts for
11 cigarette and other tobacco products retailers for purposes of the excise
12 tax in AMC section 12.40.130 (AO Section 6, p. 11), are amended to use
13 the similar product-descriptive phrasing above.
- 14 • In both of the changes above, the phrase "product containing nicotine" is
15 deleted as unnecessary because it is included in the definition of "tobacco
16 product" in AMC section 14.70.005. (p. 3 line 3)
- 17 • The language on warning signs required to be visible at the point of sale
18 for tobacco retailers is edited to reflect the retailer has the burden of
19 compliance. (p. 5 line 32)
- 20 • In the employee break room or other controlled area of a private work place
21 where tobacco products vending machines are allowed, the requirement is
22 changed from having a warning sign to prohibiting access of persons under
23 the age of 21. (p. 7 line 3)
- 24 • The affirmative defense to selling or giving tobacco products to a person
25 under 21 in AMC subsection 14.70.030D.2. is deleted because it is
26 redundant of the definitions of "tobacco product" and "electronic smoking
27 device" which exclude from their scope the products approved by the U.S.
28 FDA. (p. 7 line 13) Sales of those products are not violations.
- 29 • A new Section 9 is added to waive any limitation by AMC ch. 3.99 on
30 increasing the civil fines, if applicable.

