

See AO 98-27(S-1) ANCHORAGE, ALASKA
AO NO. 98-27

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 8.05 AND 14.60 TO ENACT AN EXEMPTION FOR RETAIL ADULTS-ONLY TOBACCO STORES FROM THE REQUIREMENT OF RESTRICTIONS ON ACCESS TO TOBACCO AND TO CREATE A PENALTY FOR RETAIL TOBACCO-ONLY STORES WHICH PERMIT THE ENTRY OF PERSONS UNDER NINETEEN (19) YEARS OF AGE WITHOUT A PARENT OR LEGAL GUARDIAN.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: That section 8.05.454 of the Anchorage Municipal Code is hereby amended to read as follows:

8.05.454 **Restrictions on sales of tobacco and tobacco products.**

A. Definitions.

- 1.** **"Retail adults-only tobacco store" means any retail establishment which (1) offers for sale any cigarette, cigars, tobacco, or tobacco products; (2) prohibits any person under the age of nineteen (19) from entering such retail establishment unless such person under nineteen (19) years of age is accompanied by a parent or legal guardian; and (3) posts a sign visible from any entrance to such retail establishment which sign states that no person under nineteen (19) years of age may enter the retail establishment unless such person under nineteen (19) years of age is accompanied by such person's parent or legal guardian.**

- B.** **Except for a retail adults-only tobacco store, it is unlawful for a person negligently to sell cigarettes, cigars, tobacco, or a product containing tobacco in any manner that allows any person but the sales clerk to control access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale.**

- 1** Subsection **B.** [A.] of this section does not apply to wholesale transactions in which the person selling the cigarettes, cigars, tobacco, or products containing tobacco is licensed as a manufacturer or distributor under AS 43.50.010.

- 2.** Subsection **B.** [A. of this section does not apply to sales by vending machines which are located:

- (a)** As far as practical from any entrance on the inside of the licensed premises of a valid, existing beverage dispensary license, a club license, or a package

store license issued under Alaska Statutes 04.11.090, 04.11.10, and 04.11.150 respectively; and

(b) The location described in subsection B.2.(a) [A.2.(A)] of this section is directly and continually supervised by a person employed on the licensed premises when the vending machine is accessible to the public.

C. Any person owning or operating a retail adult-only tobacco store that allows any person but the sales clerk to have access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale shall prohibit any person under the age of nineteen (19) from entering the premises of the retail adult-only tobacco store unless such person under nineteen (19) years of age is accompanied by a parent or legal guardian.

Section 2: That section 14.60.030 of the Anchorage Municipal Code is hereby amended to read as follows:

14.60.030 Fine Schedule

The fine schedule under this chapter is as follows:

<i>Code Section</i>	<i>Offense</i>	<i>Penalty/Fine</i>
	* * * * *	
8.05.454	Restrictions <u>on</u> [OF] Sales of Tobacco and Tobacco Products	\$300.00
	* * * * *	

Section 3: That this ordinance shall be effective on the same day as the effective date of AO No. 97-133 (S).

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 1998.

Chair

Municipal Clerk