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CLERK'S OFFICE
APPROVED
Date: 3-3-98

Submitted by: Assembly Members Meyer
and Begich
Prepared by: Department of Law
For reading: March 3, 1998

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

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) primarily sells tobacco and tobacco products while only incidentally offering other 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; (3) has not been the site of two or more citations for a violation of this section in the previous 180 days unless all or all but one of such citations are overturned on appeal; and (4) posts one or more signs described in the next sentence visible from any entrance to such retail establishment. Each of the sign(s) referenced in the previous sentence: shall be at least 6 inches by 18 inches; must state that it is a retail adults-only tobacco store; must read, in lettering at least 1.25 inches high, "The sale of tobacco products to persons under age 19 is illegal"; and must state 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, i[T]t is unlawful for a person negligently to sell cigarettes, cigars, tobacco, or a product containing tobacco**

2 in any manner that allows any person but the sales clerk to control
3 access to the cigarettes, cigars, tobacco, or product containing
4 tobacco prior to sale.

5 1 Subsection B. [A.] of this section does not apply to wholesale transactions
6 in which the person selling the cigarettes, cigars, tobacco, or products
7 containing tobacco is licensed as a manufacturer or distributor under AS
8 43.50.010.

9
10 2. Subsection B. [A.] of this section does not apply to sales by vending
11 machines which are located:

12
13 (a) As far as practical from any entrance on the inside of the licensed
14 premises of a valid, existing beverage dispensary license, a club
15 license, or a package store license issued under Alaska Statutes
16 04.11.090, 04.11.110, and 04.11.150 respectively; and

17
18 (b) The location described in subsection B.2.(a) [A.2.(A)] of this section
19 is directly and continually supervised by a person employed on the
20 licensed premises when the vending machine is accessible to the
21 public.

22
23 C. Any owner of a retail adults-only tobacco store or agent or employee of
24 such owner that allows any person but the sales clerk to have access to the
25 cigarettes, cigars, tobacco, or product containing tobacco prior to sale shall
26 not negligently allow any person under the age of nineteen (19) to enter or
27 remain in the premises of the retail adults-only tobacco store unless such
28 person under nineteen (19) years of age is accompanied by a parent or legal
29 guardian.

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31
32 D. Not later than seven days after the date of the citation, the chief of police or
33 his or her designee shall notify the owner of record of any retail
34 establishment of a citation under this section given to any owner or agent or
35 employee of such owner for a violation alleged to have occurred at such
36 retail establishment.

37
38 **Section 2:** That section 14.60.030 of the Anchorage Municipal Code is hereby amended to read
39 as follows:

40
41 14.60.030 Fine Schedule

42
43 The fine schedule under this chapter is as follows:
44
45

Code Section Offense Penalty/Fine

8.05.454 Restrictions on [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 3rd day of March, 1998.

Chair


Municipal Clerk