

**ANCHORAGE, ALASKA
AO No. 2019-32**

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING CERTAIN
SECTIONS IN ANCHORAGE MUNICIPAL CODE CHAPTER 14.70 TO RAISE
THE MINIMUM LEGAL AGE TO PURCHASE CIGARETTES AND TOBACCO
PRODUCTS WITHIN THE MUNICIPALITY FROM 19 TO 21 YEARS OF AGE.**

WHEREAS, tobacco is the number one cause of preventable death in the United States, approximately 480,000 per year, and in Alaska more people die every year due to direct effects of smoking tobacco than from suicide, motor vehicle crashes, liver disease, homicide, and HIV/AIDS combined; and

WHEREAS, The healthcare costs in Alaska directly caused by smoking are about \$438 million per year; and

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

WHEREAS, Since 2005, over 300 cities across the country have raised the minimum legal sales age of tobacco to 21 years old, an initiative effort called Tobacco 21; and

WHEREAS, Most of the tobacco acquired by youth under 18 comes from social sources, and Tobacco 21 policies have shown a decrease the rates of tobacco use among high school aged students by up to 50%; and

WHEREAS, Last year the City and Borough of Sitka, following a professional poll of Sitkans showing 71.5% supported raising the minimum age to buy tobacco, and after thorough review, research, and vetting by its Health Needs and Human Services Commission became the first jurisdiction in Alaska to pass a measure raising the legal age to purchase tobacco to 21; and

WHEREAS, the Anchorage Assembly supports the objectives of Tobacco 21 and desires to support our young people by reducing access and delaying the decision to use tobacco, alleviating the detrimental effects from tobacco in the Municipality of Anchorage; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 14.70.020 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

14.70.020 - Restrictions on the manner of selling tobacco and tobacco products.

A. Definitions.

1. "Retail adults-only tobacco store" means any retail establishment which:
 - a. Primarily sells tobacco and tobacco products while only incidentally offering other products;
 - b. Prohibits any person under the age of 21 [19] from entering such retail establishment unless such person under 21 [19] years of age is accompanied by a parent or legal guardian;
 - c. 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
 - d. Posts one or more signs described in the next sentence visible from any entrance to such retail establishment.
 - i. Each of the sign(s) referenced in this subsection shall be at least six 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 21 [19] is illegal"; and must state that no person under 21 [19] years of age may enter the retail establishment unless such person under 21 [19] years of age is accompanied by such person's parent or legal guardian.

- C. Any owner of a retail adults-only tobacco store or agent or employee of such owner that allows any person but the sales clerk to have access to the cigarettes, cigars, tobacco, or product containing tobacco prior to sale shall not negligently allow any person under the age of 21 [19] to enter or remain in the premises of the retail adults-only tobacco store unless such person under 21 [19] years of age is accompanied by a parent or legal guardian.

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

Section 2. Anchorage Municipal Code section 14.70.030 is hereby amended to read as follows:

14.70.030 - Sale of tobacco products to minors.

- A. It is unlawful for any person 21 [19] years of age or older to negligently sell, exchange or give cigarettes, cigars or tobacco in any form to any person under 21 [19] years of age.
- B. Violation of this section shall be punishable by a civil penalty in

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

Section 3. Anchorage Municipal Code section 14.70.040 is hereby amended to read as follows:

14.70.040 - Minors: Possession of tobacco products.

- A. A person under 21 [19] years of age may not knowingly possess a cigarette, a cigar, tobacco, or any product containing tobacco.
- B. Violation of this section shall be punishable by a civil penalty in accordance with chapter 14.60.

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

Section 4. This ordinance shall be effective 30 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2019.

Chair

ATTEST:

Municipal Clerk