



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

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August 28, 2018

Regarding: **Tobacco Products, Sale of Electronic Smoking Products and Products Containing Nicotine**

Dear licensees:

Currently an Alaska Business License Endorsement is required to sell tobacco products.

With the passage of SB 15 during the 30th Alaska State Legislature, a change was made to Alaska Business Licensing Statutes (law) AS 43.70. Effective January 1, 2019, an Alaska Business License Endorsement shall (mandatorily) be required to sell tobacco products, electronic smoking products, and products containing nicotine.

The Business Licensing Section of this division is proposing to update regulations as a result of the change in Alaska Business Licensing Statutes AS 43.70.

If you are selling tobacco products, electronic smoking products, and products containing nicotine please read the enclosed information.

For more information about Alaska Business License endorsements go to www.BusinessLicense.Alaska.Gov under FAQs click on Endorsement FAQs.

Sincerely,

A handwritten signature in cursive script that reads "Janey McCullough".

Janey McCullough
Director

Encl.

Chapter 12. Business Licensing.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 12.010(c) is repealed:

(c) Repealed ____/____/____. [THE FEE FOR WRITTEN CONFIRMATION OF A CURRENT BUSINESS LICENSE OR A BUSINESS LICENSE THAT IS RENEWABLE UNDER 12 AAC 12.040(C) IS \$1 FOR EACH NAME FOR WHICH CONFIRMATION IS REQUESTED. THE DEPARTMENT WILL WAIVE THE FEE UNDER THIS SUBSECTION FOR A REQUEST FOR A WRITTEN CONFIRMATION OF THREE OR FEWER BUSINESS LICENSES, PER DAY, PER REQUESTER.]

12 AAC 12.010(d) is amended to read:

(d) The fee under AS 43.70.075 for a business license endorsement is \$100 for each location or outlet in a location where the person offers tobacco products, **electronic smoking products, or products containing nicotine** for sale, regardless of whether the business license to which each endorsement is attached is annual or biennial.

12 AAC 12.010 is amended by adding a new subsection to read:

(e) A business license that has been issued under this section is non-refundable in accordance with 12 AAC 02.015. (Eff. 3/11/89, Register 109; am 11/4/98, Register 148; am 6/27/2004, Register 170; am 12/13/2009, Register 192; am ____/____/____, Register ____)

Authority:	AS 08.01.010	AS 43.70.020	AS 43.70.075
	AS 08.01.065	AS 43.70.030	AS 43.70.090

AS 08.01.100

12 AAC 12.020 (e) is repealed:

(e) Repealed ____/____/____. [IF A BUSINESS LICENSE APPLICANT HAS APPLIED FOR LICENSURE AS A HEARING AID DEALER UNDER AS 08.55.010 AND 12 AAC 02 AND IS APPROVED FOR LICENSURE AS A HEARING AID DEALER, THE DEPARTMENT WILL ISSUE THE BUSINESS LICENSE AT THE SAME TIME AND IN THE SAME NAME AS THE HEARING AID DEALER LICENSE.]

12 AAC 12.020(f) is repealed:

(f) Repealed ____/____/____. [A REQUEST FOR WRITTEN OR ORAL CONFIRMATION OF MORE THAN THREE BUSINESS LICENSES PER DAY, PER REQUESTER, MUST BE MADE IN WRITING.]

(Eff. 11/4/98, Register 148; am ____/____/____, Register ____)

Authority: [AS 08.55.010] AS 43.70.090 AS 43.70.110
AS 43.70.020 AS 43.70.105

12 AAC 12.030(6) is amended to read:

(6) a statement as to whether the business will sell tobacco products, **electronic smoking products, or products containing nicotine** as a retailer and the physical address of each outlet or location where tobacco products, **electronic smoking products, or products containing nicotine** will be sold;

(Eff. 11/4/98, Register 148; am 6/27/2004, Register 170; am ____/____/____, Register ____)

Authority: AS 08.01.050 AS 08.01.080 AS 43.70.075
AS 08.01.060 AS 43.70.020 AS 43.70.090

The article heading of 12 AAC 12, Article 2 is changed to read;

**Article 2. Business License Endorsement for Sale of Tobacco Products, Electronic Smoking
Products, and Products Containing Nicotine: Administrative Hearing and Review
Procedures**

12 AAC 12.855(a) is amended to read:

(a) If a document must be filed on or before a specified date under a provision of
12 AAC 12.800 – 12 AAC 12.855, the document may be filed by personal delivery, **certified**
[FIRST CLASS] mail, or facsimile transmission. If the document is filed by
...

12 AAC 12.855(c) is amended to read:

(c) For purposes of calculating a time period under AS 43.70.075 and 12 AAC 12.800 –
12 AAC 855, the date when a notice of a department action is issued to an aggrieved person is
the date that the department personally delivers the notice, sends it by **certified** [FIRST CLASS]
mail, or transmits it by facsimile transmission, whichever occurs first. An aggrieved person
represented by an attorney will be presumed to have been issued the decision if the decision is
issued to the attorney by one of the means in this subsection.

(Eff. 6/27/2004, Register 170; am 9/29/2005, Register 175; am ____/____/____, Register ____)

Authority: AS 43.70.075 AS 43.70.090

12 AAC 12.990 is amended by adding new paragraphs to read;

(9) “cigarette” has the meaning given in AS 43.50.170;

(10) “endorsement” means authorization on the business license issued in accordance with AS 43.70.020 and AS 43.70.075, to sell tobacco products, electronic smoking products, or products containing nicotine;

(11) “tobacco product” has the meaning given in AS 43.50.390. (Eff. 11/4/98, Register 148; am 6/27/2004, Register 170; am ____/____/____, Register ____)

Authority: AS 08.01.080 AS 43.70.090 AS 43.70.110
AS 08.70.075 AS 43.70.105