AN ACT

Relating to the sale of products containing dextromethorphan; relating to the regulation of dextromethorphan by municipalities; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1
AN ACT

Relating to the sale of products containing dextromethorphan; relating to the regulation of dextromethorphan by municipalities; and providing for an effective date.

Section 1. AS 11.76 is amended by adding a new section to read:

Sec. 11.76.150. Sale of products containing dextromethorphan. (a) A seller, retailer, or vendor may not sell a product containing dextromethorphan to another person unless

(1) the seller, retailer, or vendor checks a government-issued photo identification and determines the person is 18 years of age or older;

(2) from the person's outward appearance, the seller, retailer, or vendor would reasonably presume the person to be 25 years of age or older; or

(3) the person is under 18 years of age and has a prescription for the product issued by a licensed practitioner.

(b) A seller, retailer, or vendor or an employee of a seller, retailer, or vendor
who knowingly or wilfully violates this section is guilty of a violation and is
punishable by a fine of
   (1) $150 for the first violation; and
   (2) $250 for the second and each subsequent violation.

* Sec. 2. AS 29.10.200 is amended by adding a new paragraph to read:
   (65) AS 29.35.149 (regulation of dextromethorphan).

* Sec. 3. AS 29.35 is amended by adding a new section to article 1 to read:

   Sec. 29.35.149. Regulation of dextromethorphan. (a) The authority to
   regulate dextromethorphan is reserved to the state, and, except as specifically provided
   by statute, a municipality may not enact or enforce an ordinance regulating the
   possession or sale of dextromethorphan.
   (b) This section applies to home rule and general law municipalities.

* Sec. 4. This Act takes effect May 1, 2016.