

27-LS0466\X
Gardner
2/23/12

CS FOR HOUSE BILL NO. 224(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVE SEATON

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the sale or gift of a product containing nicotine to a minor under**
2 **certain conditions."**

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

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

5 **Sec. 11.76.109. Selling or giving product containing nicotine to a minor. (a)**

6 A person commits the offense of selling or giving a product containing nicotine to a
7 minor if the person

8 (1) negligently sells a product containing nicotine to a person under 19
9 years of age; or

10 (2) is 19 years of age or older and negligently exchanges or gives a
11 product containing nicotine to a person under 19 years of age.

12 (b) The provisions of (a) of this section do not apply to the sale, exchange, or
13 gift to a person under 19 years of age of a product containing nicotine that is intended
14 or expected to be consumed without being combusted if the product

1 (1) has been approved by the United States Food and Drug
2 Administration for sale as a tobacco use cessation or harm reduction product or for
3 other medical purposes;

4 (2) is being marketed and sold solely for the approved purposes; and

5 (3) is

6 (A) prescribed by a health care professional;

7 (B) given to a person by the person's parent or legal guardian;

8 (C) provided by a state-approved tobacco cessation program
9 administered by the Department of Health and Social Services; or

10 (D) provided by a pharmacist to a person 18 years of age or
11 older without a prescription.

12 (c) In this section, "product containing nicotine" does not include a cigarette, a
13 cigar, tobacco, or a product containing tobacco.

14 (d) Selling or giving a product containing nicotine to a minor is a violation
15 and, upon conviction, is punishable by a fine of not less than \$300.