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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."

**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:

**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.

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

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

(3) is

(A) prescribed by a health care professional;

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

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

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

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

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