

27-LS0466X  
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.