

HOUSE BILL NO. 224

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE SEATON

Introduced: 4/4/11

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the prohibition of selling or giving tobacco or a product containing**
2 **nicotine to a minor unless prescribed by a licensed physician."**

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

4 * **Section 1.** AS 11.76.100(a) is amended to read:

5 (a) A person commits the offense of selling or giving tobacco **or a product**
6 **containing nicotine** to a minor if the person

7 (1) negligently sells a cigarette, a cigar, tobacco, or a product
8 containing tobacco **or a product containing nicotine** to a person under 19 years of
9 age;

10 (2) is 19 years of age or older and negligently exchanges or gives a
11 cigarette, a cigar, tobacco, or a product containing tobacco **or a product containing**
12 **nicotine** to a person under 19 years of age;

13 (3) maintains a vending machine that dispenses cigarettes, cigars,
14 tobacco, or products containing tobacco; or

1 (4) holds a business license endorsement under AS 43.70.075 and
2 allows a person under 19 years of age to sell a cigarette, a cigar, tobacco, or a product
3 containing tobacco.

4 * **Sec. 2.** AS 11.76.100(e) is amended to read:

5 (e) The provisions of (a) of this section do not apply to a person who sells or
6 gives tobacco **or a product containing nicotine** to a minor, if the minor is a prisoner
7 at an adult correctional facility.

8 * **Sec. 3.** AS 11.76.100 is amended by adding a new subsection to read:

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

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

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

16 (3) is prescribed by a licensed physician, or given to a person under 19
17 years of age by the person's parent or legal guardian.