HOUSE BILL NO. 125

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MILLETT

Introduced: 2/25/15
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1   **"An Act relating to the sale of products containing dextromethorphan; relating to the**

2   **regulation of dextromethorphan by municipalities; and providing for an effective date."**

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. 11.76.150. Sale of products containing dextromethorphan.** (a) A seller,

6   retailer, or vendor may not sell a product containing dextromethorphan to another

7   person unless

8   (1)   the seller, retailer, or vendor checks a government-issued photo

9   identification and determines the person is 18 years of age or older;

10   (2)   from the person's outward appearance, the seller, retailer, or vendor

11   would reasonably presume the person to be 25 years of age or older; or

12   (3)   the person is under 18 years of age and has a prescription for the

13   product issued by a licensed practitioner.

14   (b)   A seller, retailer, or vendor or an employee of a seller, retailer, or vendor

New Text Underlined [DELETED TEXT BRACKETED]

1   who knowingly or wilfully violates this section is guilty of a violation and is

2   punishable by a fine of

3   (1) $150 for the first violation; and

4   (2) $250 for the second and each subsequent violation.

5   *** Sec. 2.** AS 29.10.200 is amended by adding a new paragraph to read:

6   (65) AS 29.35.149 (regulation of dextromethorphan).

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

8   **Sec. 29.35.149. Regulation of dextromethorphan.** (a) The authority to

9   regulate dextromethorphan is reserved to the state, and, except as specifically provided

10   by statute, a municipality may not enact or enforce an ordinance regulating the

11   possession or sale of dextromethorphan.

12   (b) This section applies to home rule and general law municipalities.

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