

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

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.