



# **LAWS OF ALASKA**

**2003**

**Source**  
CSHB 82(L&C)

**Chapter No.**  
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## **AN ACT**

Making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protections.

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

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Making certain activity related to commercial electronic mail unlawful and an unfair method  
2 of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade  
3 practices and consumer protections.

4  
5 \* **Section 1.** AS 45.50.471(b) is amended by adding a new paragraph to read:

6 (45) violating AS 45.50.479 (limitations on electronic mail).

7 \* **Sec. 2.** AS 45.50 is amended by adding a new section to read:

8 **Sec. 45.50.479. Limitation on electronic mail.** (a) A person may not send  
9 unsolicited commercial electronic mail to another person from a computer located in  
10 this state or to an electronic mail address that the sender knows is held by a resident of  
11 this state if the commercial electronic mail contains information that consists of  
12 explicit sexual material that another law provides may only be viewed, purchased,  
13 rented, leased, or held by an individual who is 18 years of age or older, unless the  
14 subject line of the advertisement contains "ADV:ADLT" as the first eight characters.

1 (b) In (a) of this section,

2 (1) "commercial electronic mail" means electronic mail consisting of  
3 advertising material for the lease, sale, rental, gift, offer, or other disposition of real  
4 property, goods, or services, including an extension of credit;

5 (2) "explicit sexual material" means material that visually or aurally  
6 depicts conduct described in AS 11.41.455(a), but is not limited to conduct engaged in  
7 by a child under 18 years of age;

8 (3) "unsolicited commercial electronic mail" means commercial  
9 electronic mail sent to a person who

10 (A) does not have an existing personal or business relationship  
11 with the sender; and

12 (B) has not given permission for or requested the sending of the  
13 commercial electronic mail.