

**CS FOR HOUSE BILL NO. 224(FIN) am**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 3/12/12

Offered: 2/29/12

Sponsor(s): REPRESENTATIVES SEATON, Guttentberg, Gara, Olson, Pruitt

**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) An employer is legally accountable as provided in AS 11.16.110 for the  
13 conduct of an employee who violates (a) of this section if the employer negligently  
14 fails to advise the employee regarding the conduct prohibited in (a) of this section.

15                   (d) In this section, "product containing nicotine" does not include a cigarette, a  
16 cigar, tobacco, or a product containing tobacco.

17                   (e) Selling or giving a product containing nicotine to a minor is a violation  
18 and, upon conviction, is punishable by a fine of not less than \$300.