

27-LS0466V  
Gardner  
4/11/11

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

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SEVENTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE SEATON**

**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 prescribed by a health care professional or given to a person  
6 under 19 years of age by the person's parent or legal guardian.

7 (c) In this section, "product containing nicotine" does not include a cigarette, a  
8 cigar, tobacco, or a product containing tobacco.

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