

HOUSE BILL NO. 82

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MEYER, Wilson, Anderson, Dahlstrom, Crawford, Guttenberg, Lynn

Introduced: 2/7/03

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act making certain activities related to commercial electronic mail unlawful as**
2 **unfair methods of competition or unfair or deceptive acts or practices under the Act**
3 **enumerating unfair trade practices and consumer protections."**

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

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

6 (45) violating AS 45.50.479 (unpermitted commercial electronic mail).

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

8 **Sec. 45.50.479. Limitations on electronic mail.** (a) A person may not send
9 commercial electronic mail to another person from a computer located in this state or
10 to an electronic mail address that the sender knows is held by a resident of this state

11 (1) if the sender does not have an existing personal or business
12 relationship with the other person or the resident;

13 (2) without the permission or the request of the other person or the
14 resident;

1 (3) if the commercial electronic mail contains misleading or false
2 information on the origin or routing of the commercial electronic mail; or

3 (4) if the commercial electronic mail contains misleading information
4 in the subject line of the commercial electronic mail.

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

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

15 (2) "unsolicited commercial electronic mail" means commercial
16 electronic mail sent to a person who

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

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

21 (c) In this section, "commercial electronic mail" means electronic mail
22 consisting of advertising material for the lease, sale, rental, gift, offer, or other
23 disposition of real property, goods, or services, including an extension of credit.