

(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

CS FOR HOUSE BILL NO. 82(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 2/14/03

Referred: Judiciary

Sponsor(s): REPRESENTATIVES MEYER, Wilson, Anderson, Dahlstrom, Crawford, Guttenberg, Lynn, McGuire, Hawker, Gara

SENATORS Ellis, Elton, Davis, Seekins, Wagoner, Lincoln, French, Gary Stevens, Dyson, Taylor, Ogan, Cowdery, Bunde, Wilken, Olson, Green, Ben Stevens, Therriault

A BILL

FOR AN ACT ENTITLED

1 **"An Act making certain activity related to commercial electronic mail unlawful and an**
2 **unfair method of competition or an unfair or deceptive act or practice 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 (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.