

**SENATE BILL NO. 156**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY SENATOR DYSON**

**Introduced: 3/26/03**

**Referred: Labor and Commerce, Health, Education and Social Services**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the posting and giving of certain warnings about drinking alcohol**  
2 **during pregnancy when selling or dispensing pregnancy testing kits, birth control**  
3 **devices, or birth control prescriptions."**

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

5 \* **Section 1.** AS 18.23 is amended by adding new sections to read:

6 **Article 4. Required Warnings About Alcohol During Pregnancy.**

7 **Sec. 18.23.200. Posted warning.** A covered person who sells or gives  
8 pregnancy-related items to individuals at a facility in this state shall post a sign  
9 meeting the requirements of AS 18.23.220 at a conspicuous place on the premises of  
10 the facility. The warning sign must be at least 11 inches by 14 inches.

11 **Sec. 18.23.210. Warning statement.** A person who sells or gives to an  
12 individual a pregnancy-related item at a facility of a covered person who sells or gives  
13 pregnancy-related items to individuals in this state shall provide the individual with a  
14 written statement containing the warning meeting the requirements of AS 18.23.220.

1           **Sec. 18.23.220. Text and form of warning.** (a) The warnings required by  
2 AS 18.23.200 - 18.23.210 must contain the following statement:

3           WARNING!! DRINKING ANY AMOUNT OF ALCOHOL WHILE  
4 YOU ARE PREGNANT CAN CAUSE PERMANENT BRAIN  
5 DAMAGE AND BIRTH DEFECTS FOR YOUR UNBORN CHILD.

6           (b) The lettering on the warning under (a) of this section must be at least one-  
7 half inch high, in boldface type, and in a contrasting color to the background.

8           **Sec. 18.23.230. Penalty.** (a) A covered person who sells or gives pregnancy-  
9 related items to individuals at a facility in this state is guilty of a class B misdemeanor  
10 if the covered person knowingly fails to

11                   (1) post the warning required by AS 18.23.200; or

12                   (2) instruct the employees of the covered person to give the warning  
13 statement required by AS 18.23.210 to an individual who buys or receives a  
14 pregnancy-related item at the facility.

15           (b) In this section,

16                   (1) "covered person" does not include an agency of the state or an  
17 agency of a municipality;

18                   (2) "knowingly" has the meaning given in AS 11.81.900.

19           **Sec. 18.23.290. Definitions.** In AS 18.23.200 - 18.23.290,

20                   (1) "covered person" means

21                           (A) an agency of the state;

22                           (B) an agency of a municipality;

23                           (C) an owner or operator of a business or nonprofit  
24 organization; for purposes of this subparagraph, "owner" does not include a  
25 person who

26                                   (i) owns stock in a for-profit corporation, unless the  
27 person manages or operates the corporation;

28                                   (ii) is a member of a limited liability company, unless  
29 the members manage the company or the person manages the company;

30                           or

31                                   (iii) is a limited partner of a limited partnership;

1 (2) "pregnancy-related item" means a pregnancy testing kit, birth  
2 control device, or birth control prescription.

3 \* **Sec. 2.** AS 29.10.200 is amended by adding a new paragraph to read:

4 (64) AS 29.71.070 (required warnings about drinking alcohol while  
5 pregnant).

6 \* **Sec. 3.** AS 29.71 is amended by adding a new section to read:

7 **Sec. 29.71.070. Required warnings.** An agency of a municipality shall  
8 comply with AS 18.23.200 - 18.23.290 to the extent AS 18.23.200 - 18.23.290 apply  
9 to the municipality.

10 \* **Sec. 4.** AS 45.45 is amended by adding a new section to read:

11 **Sec. 45.45.920. Required warnings.** The owner or operator of a business that  
12 sells pregnancy testing kits, birth control devices, or birth control prescriptions in this  
13 state shall comply with AS 18.23.200 - 18.23.290 to the extent AS 18.23.200 - 18.23.  
14 290 apply to the owner or operator.