

HOUSE BILL NO. 167

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

BY REPRESENTATIVE JOHANSEN BY REQUEST

Introduced: 2/23/11

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the sale of products containing dextromethorphan."**

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

3 *** Section 1.** AS 17.30 is amended by adding a new section to article 1 to read:

4 **Sec. 17.30.095. Sale of products containing dextromethorphan.** (a) A
5 person may not sell a product containing dextromethorphan to another person unless

6 (1) the person checks a government-issued photo identification and
7 determines the person is 18 years of age or older; or

8 (2) the person is under the age of 18 and

9 (A) supplies proof that the person

10 (i) has had the disabilities of minority removed under
11 AS 09.55.590;

12 (ii) is married; or

13 (iii) is the parent of a child; or

14 (B) has a prescription for the product issued by a licensed
15 practitioner.

1 (b) A person who sells products containing dextromethorphan must clearly
2 mark the products as for sale only to persons 18 years of age or older or by
3 prescription or limit the access of the public to the product by its placement behind a
4 counter or by similar means.

5 (c) A seller, retailer, or vendor does not violate this section if the seller,
6 retailer, or vendor proves by a preponderance of the evidence that the seller, retailer,
7 or vendor

8 (1) exercised the degree of care of a reasonable employer to ensure
9 compliance with (a) - (c) of this section; and

10 (2) determined that the employees and agents of the seller, retailer, or
11 vendor had been notified of the requirements of this section by

12 (A) securing each employee's or agent's written
13 acknowledgment of notification of those requirements; or

14 (B) making another appropriate determination.

15 (d) A person who recklessly sells a product in violation of (a) of this section or
16 recklessly fails to mark or restrict access as required by (b) of this section is guilty of a
17 class B misdemeanor.