

CS FOR HOUSE BILL NO. 224(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/14/11

Referred: Finance

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 18 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 18 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.