



LAWS OF ALASKA

2012

Source

CSHB 224(FIN) am

Chapter No.

AN ACT

Prohibiting the sale or gift of a product containing nicotine to a minor under certain conditions.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Prohibiting the sale or gift of a product containing nicotine to a minor under certain
2 conditions.

3 _____

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 19 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

6 (A) prescribed by a health care professional;

7 (B) given to a person by the person's parent or legal guardian;

8 (C) provided by a state-approved tobacco cessation program
9 administered by the Department of Health and Social Services; or

10 (D) provided by a pharmacist to a person 18 years of age or
11 older without a prescription.

12 (c) An employer is legally accountable as provided in AS 11.16.110 for the
13 conduct of an employee who violates (a) of this section if the employer negligently
14 fails to advise the employee regarding the conduct prohibited in (a) of this section.

15 (d) In this section, "product containing nicotine" does not include a cigarette, a
16 cigar, tobacco, or a product containing tobacco.

17 (e) Selling or giving a product containing nicotine to a minor is a violation
18 and, upon conviction, is punishable by a fine of not less than \$300.