

HOUSE BILL NO. 327

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOHANSEN

Introduced: 2/5/10

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the scheduling and rescheduling of certain substances as controlled**
2 **substances and to the sale of products containing dextromethorphan."**

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

4 * **Section 1.** AS 11.71.150(b) is amended to read:

5 (b) Schedule IIA includes, unless specifically excepted or unless listed in
6 another schedule, any material, compound, mixture, or preparation **that** [WHICH]
7 contains any quantity of the following hallucinogenic substances, or **that** [WHICH]
8 contains any of its salts, isomers, whether optical, position, or geometric, or salts of
9 isomers whenever the existence of these salts, isomers, or salts of isomers is possible
10 within the specific chemical designation:

11 (1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as 4-bromo-2,
12 5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;

13 (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-
14 methylphenethylamine and 2,5-DMA;

- (3) 4-methoxyamphetamine, also known as 4-methoxy-a-methylphenethylamine and paramethoxyamphetamine, PMA;
- (4) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine;
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4,5-trimethoxy amphetamine;
- (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine, and mappine;
- (9) diethyltryptamine, also known as N, N-diethyltryptamine and DET;
- (10) dimethyltryptamine, also known as DMT;
- (11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1',2': 1, 2] azepino [5, 4-b] indole and tabernanthe iboga;
- (12) lysergic acid diethylamide, also known as LSD;
- (13) mescaline;
- (14) n-ethyl-3-piperidyl benzilate;
- (15) n-methyl-3-piperidyl benzilate;
- (16) peyote;
- (17) analogs of phencyclidine (PCP), including:
 - (A) ethylamine analog, also known by some trade or other names as follows: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl)-ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
 - (B) pyrrolidine analog, also known by some trade or other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY, PHP;
 - (C) thiophene analog, also known as 1-[1-(2-thienyl)cyclohexyl]piperidine and 2-thienylanalog of phencyclidine, TPCP, and TCP;
 - (D) 1-[1-(2-thienyl)-cyclohexyl]-pyrrolidine, also known as TCPy;
- (18) psilocybine;

(19) psilocyn;

(20) 3,4-methylenedioxymethamphetamine (MDMA);

(21) Salvia divinorum;

(22) Salvinorin A (Divinorin A).

* **Sec. 2.** AS 11.71.160 is amended by adding a new subsection to read:

(g) Schedule III A includes any material, compound, mixture, or preparation of the narcotic drug buprenorphine or its salts.

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

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

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

(2) the person is under the age of 18 and has a prescription for the product issued by a licensed practitioner.

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

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

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

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

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

(B) making another appropriate determination.

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

1 * **Sec. 4.** AS 11.71.180(d) is repealed.