

Sec. 11.71.120. Authority to schedule controlled substances.

(a) If, after considering the factors set out in (c) of this section, the committee decides to recommend that a substance should be added to, deleted from, or rescheduled in a schedule of controlled substances under AS 11.71.140 - 11.71.190, the governor shall introduce legislation in accordance with the recommendation of the committee.

(b) If a substance is added as a controlled substance under federal law, the governor shall introduce legislation in accordance with the federal law.

(c) In advising the governor of the need to add, delete, or reschedule a substance under AS 11.71.110(1), the committee shall assess the danger or probable danger of the substance after considering the following:

- (1) the actual or probable abuse of the substance including
 - (A) the history and current pattern of abuse both in this state and in other states;
 - (B) the scope, duration, and significance of abuse;
 - (C) the degree of actual or probable detriment which may result from abuse of the substance;
 - (D) the probable physical and social impact of widespread abuse of the substance;
 - (2) the biomedical hazard of the substance including
 - (A) its pharmacology, in the effects and modifiers of the effects of the substance;
 - (B) its toxicology, the acute and chronic toxicity, interaction with other substances, whether controlled or not, and the degree to which it may cause psychological or physiological dependence;
 - (C) the risk to public health and the particular susceptibility of segments of the population;
 - (3) whether the substance is an immediate precursor of a substance already controlled under this chapter;
 - (4) the current state of scientific knowledge regarding the substance, including whether there is any acceptable means to safely use the substance under medical supervision;
 - (5) the relationship between the use of the substance and other criminal activity, including
 - (A) whether persons engaged in illicit trafficking of the substance are also engaged in other criminal activity;
 - (B) whether the nature and relative profitability of manufacturing or delivering the substance encourages illicit trafficking in the substance;
 - (C) whether the commission of other crimes is one of the effects of abuse of the substance;
 - (D) whether addiction to the substance relates to the commission of crimes to support the continued use of the substance.
- (d) *[Repealed, Sec. 40 ch 6 SLA 1984].*
- (e) The committee has no authority over tobacco or alcoholic beverages as defined in AS 04.21.080.

History -

(Sec. 2 ch 45 SLA 1982; am Sec. 40 ch 6 SLA 1984)

History Reports -

For statement of the purpose of the 1984 repeal of subsection (d) of this section, see the 1984 House Journal at p. 2287, in the paragraph captioned "Section 40."

Decisions -

Construction of former law. - For construction of former AS 17.12.040, concerning regulations and authorizing the commissioner of health and social services to promulgate list of certain drugs, see *State v. Erickson*, 574 P.2d 1 (Alaska 1978).