

Sec. 11.71.150. Schedule IIA.

(a) A substance shall be placed in schedule IIA if it is found under AS 11.71.120(c) to have a degree of danger or probable danger to a person or the public which is less than substances listed in schedule IA, but higher than substances listed in schedule IIIA.

(b) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation:

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

(2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-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, TCPY, and TCP;

(D) 1-[1-(2-thienyl)-cyclohexyl]-pyrrolidine, also known as TCPy;

(18) psilocybine;

(19) psilocyn;

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

(c) Schedule IIA includes cocaine or coca leaves, and any salt, compound, derivative, mixture, isomer, ester, ether, or preparation of cocaine or coca leaves produced directly or indirectly by extraction from coca leaves, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, including the isomers, salts, and salts of isomers of cocaine and other derivatives of coca leaves whenever the existence of these esters, ethers, isomers or salts is possible, but does not include decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(d) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) amobarbital;
- (2) mandrix or mandrax;
- (3) mecloqualone;
- (4) methaqualone;
- (5) pentobarbital;
- (6) phencyclidine, also known as PCP;
- (7) secobarbital.

(e) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the nervous system:

- (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) methamphetamine, its salts, isomers, and salts of its isomers;
- (3) methylphenidate;
- (4) phenmetrazine and its salts;
- (5) fenethylline;
- (6) N-ethylamphetamine;
- (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-hydroxy MDA;
- (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-phenyl-2-oxazoline;
- (10) N,N-dimethylamphetamine, also known as N,N,alpha-trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical isomers, and salts of optical isomers.

(f) Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, mixture, or preparation which contains any quantity of the following substances:

- (1) immediate precursor to amphetamine and methamphetamine: phenylacetone also known as phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;
- (2) immediate precursors to phencyclidine, also known as PCP:

- (A) 1-phenylcyclohexylamine;
- (B) 1-piperidinocyclohexanecarbonitrile, also known as PCC.

History -

(Sec. 2 ch 45 SLA 1982; am Sec. 3 - 5 ch 76 SLA 1990)

Decisions -

Annotators notes. Some of the cases cited in the notes below were decided under former AS 17.10.

Regulation of cocaine. - Word "narcotic" in common usage includes cocaine although cocaine is not a narcotic pharmacologically. *State v. Erickson*, 574 P.2d 1 (Alaska 1978).

The legislature specifically intended to regulate the use and possession of cocaine, regardless of its particular pharmacological status. *State v. Erickson*, 574 P.2d 1 (Alaska 1978).

Constitutionality of classification of cocaine as narcotic. - The classification of cocaine with narcotics under former AS 17.10 was not violative of equal protection or due process. *State v. Erickson*, 574 P.2d 1 (Alaska 1978).

When viewed from the overall legislative purpose of preventing the use of a drug harmful to the health and welfare of society, the classification of cocaine as a narcotic drug was not so irrational or arbitrary as to violate due process. *State v. Erickson*, 574 P.2d 1 (Alaska 1978).

Cocaine was not unconstitutionally classified as a narcotic drug by former AS 17.10. *Johnson v. State*, 577 P.2d 230 (Alaska 1978).

Cited in *Williams v. State*, 743 P.2d 397 (Alaska Ct. App. 1987); *Snider v. State*, 958 P.2d 1114 (Alaska Ct. App. 1998); *Magee v. State*, 77 P.3d 732 (Alaska Ct. App. 2003); *Netling v. State*, 145 P.3d 609 (Alaska Ct. App. 2006).