

30-LS1526\D
Martin
3/26/18

HOUSE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to possession of marijuana; and relating to misconduct involving**
2 **controlled substances."**

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

4 * **Section 1.** AS 11.71.040(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of
6 misconduct involving a controlled substance in the third degree if the person

7 (1) manufactures or delivers any amount of a schedule IVA or VA
8 controlled substance or possesses any amount of a schedule IVA or VA controlled
9 substance with intent to manufacture or deliver;

10 (2) manufactures or delivers, or possesses with the intent to
11 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
12 of an aggregate weight of one ounce or more containing a schedule VIA controlled
13 substance;

14 (3) possesses any amount of a schedule IA controlled substance listed

1 in AS 11.71.140(e);

2 (4) possesses a schedule IIIA, IVA, or VA, [OR VIA] controlled
3 substance

4 (A) with reckless disregard that the possession occurs

5 (i) on or within 500 feet of school grounds; or

6 (ii) at or within 500 feet of a recreation or youth center;

7 or

8 (B) on a school bus;

9 (5) knowingly keeps or maintains any store, shop, warehouse,
10 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
11 keeping or distributing controlled substances in violation of a felony offense under this
12 chapter or AS 17.30;

13 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
14 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
15 mark, imprint, or device of another or any likeness of any of these on a drug, drug
16 container, or labeling so as to render the drug a counterfeit substance;

17 (7) knowingly uses in the course of the manufacture or distribution of a
18 controlled substance a registration number that is fictitious, revoked, suspended, or
19 issued to another person;

20 (8) knowingly furnishes false or fraudulent information in or omits
21 material information from any application, report, record, or other document required
22 to be kept or filed under AS 17.30;

23 (9) obtains possession of a controlled substance by misrepresentation,
24 fraud, forgery, deception, or subterfuge;

25 (10) affixes a false or forged label to a package or other container
26 containing any controlled substance; or

27 (11) manufactures or delivers, or possesses with the intent to
28 manufacture or deliver,

29 (A) one or more preparations, compounds, mixtures, or
30 substances of an aggregate weight of less than one gram containing a schedule
31 IA controlled substance;

(B) less than 25 tablets, ampules, or syrettes containing a schedule IA controlled substance;

(C) one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than 2.5 grams containing a schedule IIA or IIIA controlled substance; or

(D) less than 50 tablets, ampules, or syrettes containing a schedule IIA or IIIA controlled substance.

* **Sec. 2.** AS 11.71.050(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person

(1) manufactures or delivers, or possesses with the intent to manufacture or deliver, one or more preparations, compounds, mixtures, or substances of an aggregate weight of less than one ounce containing a schedule VIA controlled substance;

(2) [REPEALED]

(3) fails to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under AS 17.30; or

(4) under circumstances not proscribed under AS 11.71.030(a)(3), 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a schedule IA, IIA, IIIA, IVA, or VA [, OR VIA] controlled substance; or

(5) possesses more than one ounce of a schedule VIA controlled substance.

* **Sec. 3.** AS 11.71.060(a) is amended to read:

(a) Except as authorized in AS 17.30, a person commits the crime of misconduct involving a controlled substance in the fifth degree if the person

(1) uses or displays any amount of a schedule VIA controlled substance;

(2) possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of

(A) less than one ounce containing a schedule VIA controlled substance;

(B) six grams or less containing a schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or otherwise applied to tobacco, an herb, or another organic material; [OR]

(3) refuses entry into a premise for an inspection authorized under AS 17.30;

(4) is 21 years of age or older and possesses less than one ounce of a schedule VIA controlled substance

(A) with reckless disregard that the possession occurs on or within 500 feet of school grounds; or

(B) on a school bus; or

(5) is under 21 years of age and possesses less than one ounce of a schedule VIA controlled substance.

* **Sec. 4.** AS 11.71.060 is amended by adding a new subsection to read:

(c) It is an affirmative defense to a prosecution under (a)(4)(A) of this section that the prohibited conduct took place entirely within a private residence located within 500 feet of the school grounds. Nothing in this subsection precludes a prosecution under any other provision of this section or any other section of this chapter.

* **Sec. 5.** AS 11.71.060(a)(2)(A) is repealed.

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. AS 11.71.040(a), as amended by sec. 1 of this Act, AS 11.71.050(a), as amended by sec. 2 of this Act, AS 11.71.060(a), as amended by sec. 3 of this Act, and AS 11.71.060(c), enacted by sec. 4 of this Act, apply to offenses committed on or after the effective date of this Act.