

SENATE CS FOR CS FOR HOUSE BILL NO. 3(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 4/13/00

Referred: Rules

Sponsor(s): REPRESENTATIVES BRICE, Smalley, James

SENATORS Halford, Ellis, Taylor, Miller, Wilken, Parnell, Pearce, Elton, Ward, Pete Kelly, Lincoln, Mackie

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to controlled substances and to the possession of certain
2 chemicals; and providing for an effective date."

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

4 * **Section 1.** AS 11.71.020(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 second degree if the person

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

10 (2) manufactures any material, compound, mixture, or preparation
11 that contains

12 (A) methamphetamine, or its salts, isomers, or salts of
13 isomers; or

14 (B) an immediate precursor of methamphetamine, or its

salts, isomers, or salts of isomers;

(3) possesses an immediate precursor of methamphetamine, or the salts, isomers, or salts of isomers of the immediate precursor of methamphetamine, with the intent to manufacture any material compound, mixture, or preparation that contains methamphetamine, or its salts, isomers, or salts of isomers; or

(4) possesses a listed chemical with intent to manufacture any material, compound, mixture, or preparation that contains

(A) methamphetamine, or its salts, isomers, or salts of isomers; or

(B) an immediate precursor of methamphetamine, or its salts, isomers, or salts of isomer.

* **Sec. 2.** AS 11.71.020 is amended by adding a new subsection to read:

(c) In this section, "listed chemical" means a chemical described under AS 11.71.200.

* **Sec. 3.** AS 11.71.030(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 third degree if the person

(1) under circumstances not proscribed under AS 11.71.020(a)(2) - (4), manufactures or delivers any amount of a schedule IIA or IIIA controlled substance or possesses any amount of a schedule IIA or IIIA controlled substance with intent to manufacture or deliver;

(2) delivers any amount of a schedule IVA, VA, or VIA controlled substance to a person under 19 years of age who is at least three years younger than the person delivering the substance; or

(3) possesses any amount of a schedule IA or IIA controlled substance

(A) with reckless disregard that the possession occurs

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

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

or

(B) on a school bus.

* **Sec. 4.** AS 11.71.170(b) is amended by adding a new paragraph to read:

(29) ketamine hydrochloride;

* **Sec. 5.** AS 11.71.195 is amended to read:

Sec. 11.71.195. Exempted drugs. Except as otherwise provided in this chapter, a [A] substance the manufacture, distribution, dispensing, or possession of which is explicitly exempt from criminal penalty under federal law is exempt from the application of this chapter and AS 17.30. This exemption includes any substances **that** [WHICH] may, under 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), be lawfully sold over the counter without a prescription. This exemption also includes those substances listed in 21 C.F.R. Sec. 1308.22 on April 1, 1980.

* **Sec. 6.** AS 11.71 is amended by adding a new section to article 2 to read:

Sec. 11.71.200. Listed chemicals. Listed chemicals are chemicals that are used in manufacturing a controlled substance in violation of AS 11.71. Listed chemicals include

- (1) anthranilic acid, its esters, and its salts;
- (2) benzaldehyde;
- (3) benzyl cyanide;
- (4) ephedrine, its salts, optical isomers, and salts of optical isomers;
- (5) ergonovine and its salts;
- (6) ergotamine and its salts;
- (7) N-acetylanthranilic acid, its esters, and its salts;
- (8) nitroethane;
- (9) norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- (10) phenylacetic acid, its esters, and its salts;
- (11) phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;
- (12) piperidine and its salts;
- (13) pseudoephedrine, its salts, optical isomers, and salts of optical isomers;
- (14) 3,4-methylenedioxyphenyl-2-propanone;

(15) any salt, optical isomer, or salt of an optical isomer of the following chemicals:

- (A) ethylamine;
- (B) hydriodic acid;
- (C) isosafrole;
- (D) methylamine;
- (E) N-methylephedrine;
- (F) N-methylpseudoephedrine;
- (G) piperonal;
- (H) propionic anhydride;
- (I) safrole;
- (16) acetic anhydride;
- (17) acetone;
- (18) anhydrous ammonia;
- (19) benzyl chloride;
- (20) ethyl ether;
- (21) hydriotic acid;
- (22) hydrochloric gas;
- (23) hydrophosphoric acid;
- (24) iodine and crystal iodine;
- (25) lithium metal;
- (26) potassium permanganate;
- (27) red phosphorous;
- (28) toluene;
- (29) 2-butanone (or methyl ethyl ketone).

* **Sec. 7.** This Act takes effect immediately under AS 01.10.070(c).