



# Alaska State Legislature

## Representative Matt Claman

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### House Bill 387 Sponsor Statement

*"An Act relating to scheduled substances; relating to the Controlled Substances Advisory Committee; and authorizing the attorney general to schedule substances by emergency regulation or repeal an emergency regulation that scheduled a substance."*

Currently, state law requires the Legislature to pass legislation before a substance can be added to the list of controlled substances in Alaska. This process takes time, often years. Once a bill is passed, drug traffickers often stay one step ahead of the law by simply changing a chemical component of a drug so it is no longer considered a controlled substance.

In recent years, changing components has become a significant problem for substances such as spice and other synthetic opioids. For example, tramadol has an opioid-like effect on the body. This drug is on the federal controlled substances list, but was not a controlled substance in Alaska until recently, through inclusion as a schedule IV A controlled substance through Section Two, Chapter One, 4SSLA 2017. Tramadol pills sell for approximately five to ten dollars per pill in Alaska depending on where the pills are sold. School-age children are common abusers of the drug because of the easy acquisition and low cost. Before tramadol was scheduled as a controlled substance, State and local authorities could not seize the drug for prosecution without approval from federal authorities. Further, state prosecutors could not prosecute cases of tramadol abuse and federal prosecutors lacked the resources to prosecute those cases.

To avoid a repeat of this situation, House Bill 387 would allow the Attorney General to schedule substances by emergency regulation. Before scheduling a substance, the Attorney General would need to assess the danger of the substance and consult with both the Controlled Substances Advisory Committee and the State's Chief Medical Officer. Additionally, the bill does not impair the ability of the Legislature, through enactment of law, from annulling a regulation or adding a substance to the controlled substance statutory schedules.

Allowing the Attorney General to schedule dangerous substances by regulation would allow the Department of Law to be more agile and responsive when new or altered substances are identified. With this bill, the state would be able to keep up with drug traffickers as they alter these substances, and prosecute cases involving these new substances.

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