



# Alaska State Legislature

## Representative Matt Claman

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### House Bill 387 Sectional Analysis —Version A

#### **Section 1**

Designates the president of the Board of Pharmacy as the chair of the Controlled Substances Advisory Committee.

#### **Section 2**

Makes conforming changes to Controlled Substances Advisory Committee enabling statute.

#### **Section 3**

Adds a new duty to the Controlled Substances Advisory Committee to advise the Attorney General of the need to schedule substances by emergency regulation.

#### **Section 4**

Allows the Attorney General to schedule substances by emergency regulation. Before scheduling a substance, the Attorney General shall (1) assess the danger of the substance; (2) consider whether the substance has been scheduled on a temporary basis under federal law; and (3) consult with the Controlled Substances Advisory Committee.

The Attorney General shall also post a notice on the Alaska Online Public Notice System 30 days before the effective date of an emergency regulation that schedules a substance. The notice must include certain written findings.

#### **Section 5**

Defines “controlled substance” to include substances scheduled by the Attorney General by an emergency regulation adopted under AS 11.71.125.

#### **Section 6**

Defines “substance” to include a drug, controlled substance, or immediate precursor in the schedules set out in statute or that is scheduled by the Attorney General by an emergency regulation.

#### **Section 7**

Allows the Attorney General to schedule a substance by emergency regulation.

## **Section 8**

Requires notice of an emergency regulation scheduling a controlled substance to be published on the Alaska Online Public Notice System.

## **Section 9**

Requires the public notice of an emergency regulation scheduling a controlled substance to include a summary of the Attorney General's compliance with the procedure set out in proposed AS 11.71.125 (sec. 4).

## **Section 10**

Exempts the procedure for scheduling a controlled substance by emergency regulation from the regular emergency regulations process.

## **Section 11**

Adds to the current emergency regulation procedure for regulations to schedule a substance by emergency regulation.

## **Section 12**

Exempts the procedure for scheduling a controlled substance by emergency regulation from the time limits for other emergency regulations (120 days).

## **Section 13**

Allows an emergency regulation scheduling a controlled substance to remain in effect for 720 days unless the Attorney General complies with the standard regulation procedures. If the emergency regulation is not made permanent, then the regulation expires at the end of the 720 days and may not be renewed or refiled as an emergency regulation.

## **Section 14**

Amends the state policy on emergency regulations to clarify that that section does not limit the Attorney General's authority to schedule a controlled substance by emergency regulation.