

ALASKA STATE LEGISLATURE



SENATOR FRED DYSON
SENATE DISTRICT F

SB 186 – Sponsor Statement

An Act relating to the Controlled Substances Advisory Committee and providing for mandatory meetings of the committee at least twice a year.

SB 186 seeks to bring the State into compliance with current drug statutes established by the Alaska Legislature in 1982. Specifically, for the past 32 years the State has violated the law requiring a Controlled Substances Advisory Committee to be established within the Department of Law. This committee has never been formed, and has never met, even once, to carry out its statutory duties under AS 11.71.110, or exercised its authority to schedule controlled substances under AS 11.71.120.

AS 11.71.100 established the Controlled Substances Advisory Committee (CSAC) within the Department of Law, and designated the Attorney General or his/her designee as the chairman of the committee. This nine-member commission is to be comprised of persons that combined have a significant breadth of experience to carry out its duties which include advising the Governor on the appropriateness of classification of controlled substances; recommending regulations for adoption by the Board of Pharmacy to prevent excessive prescription of controlled substances; evaluate effectiveness of controlled substance treatment programs; recommend to Alaska Court System alternatives to prosecution or imprisonment of offenders who have no prior criminal record involving controlled substance offenses; and review and evaluate enforcement policies and practices of the Departments of Law and Public Safety with regard to crimes involving controlled substances. The CSAC includes the attorney general or his designee, the commissioner of health and social services and of public safety, a pharmacist, a peace officer, a physician, a psychiatrist and two more public members. The committee is required by law to meet twice a year.

Despite a clear legislative mandate for the CSAC to provide meaningful oversight of our controlled substance laws, and our treatment and enforcement policies, this has never happened. Today, the state of Alaska is reeling under an increasingly complex patchwork of controlled substance laws and regulations, high rates of incarceration and overcrowded prisons, and enforcement policies that have produced severe over criminalization and high recidivism of controlled substance offenders.

The Department of Law recently argued in *State of Alaska vs Patillo* that the legislative language is “directory” as opposed to “mandatory”, therefore, they do not have to comply with forming the committee as directed by the Legislature. SB 186 makes it mandatory the CSAC carry out the duties our state desperately needs it to.

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