

Alaska Statutes Establishing the Controlled Substances Advisory Committee

Sec. 11.71.100. Controlled Substances Advisory Committee.

(a) The Controlled Substances Advisory Committee is established in the Department of Law. The committee consists of

- (1) the attorney general or the attorney general's designee;
- (2) the commissioner of health and social services or the commissioner's designee;
- (3) the commissioner of public safety or the commissioner's designee;
- (4) the president of the Board of Pharmacy or the designee of the president who shall also be a member of the Board of Pharmacy;
- (5) a peace officer appointed by the governor after consultation with the Alaska Association of Chiefs of Police;
- (6) a physician appointed by the governor;
- (7) a psychiatrist appointed by the governor; and
- (8) two individuals appointed by the governor.

(b) Members of the committee appointed under (a)(5) - (a)(8) of this section serve terms of four years. A member of the committee receives no salary but is entitled to per diem and travel expenses authorized by law for boards and commissions under AS 39.20.180.

(c) The attorney general is the chairman of the committee.

(d) The committee meets at the call of the attorney general.

(e) The committee may not meet less than twice a year.

(f) Five members of the committee constitute a quorum, except that a smaller number may adjourn a meeting in the absence of a quorum. A quorum being present, a majority vote of the total membership is required to take official action.

Sec. 11.71.110. Duties of committee.

The committee shall

(1) advise the governor of the need to add, delete, or reschedule substances in the schedules in AS 11.71.140 - 11.71.190;

(2) recommend regulations for adoption by the Board of Pharmacy to prevent excessive prescription of controlled substances and the diversion of prescription drugs into illicit channels;

(3) evaluate the effectiveness of programs in the state providing treatment and counseling for persons who abuse controlled substances;

(4) recommend programs to the Alaska Court System to be instituted as alternatives to the prosecution or imprisonment of offenders who have no prior criminal record involving controlled substance offenses and who are charged with crimes involving controlled substances;

(5) review and evaluate enforcement policies and practices of the Department of Public Safety and the Department of Law with regard to crimes involving controlled substances, and recommend modifications of those policies and practices consistent with the committee's assessment of the probable danger of particular controlled substances; and

(6) review budget requests and recommend amounts for appropriations to the governor and the legislature for departments and agencies responsible for

(A) enforcing criminal laws pertaining to controlled substances;

(B) providing treatment and counseling of persons who abuse controlled substances; and

(C) regulating the legitimate handling of controlled substances.

Sec. 11.71.120. Authority to schedule controlled substances.

(a) If, after considering the factors set out in (c) of this section, the committee decides to recommend that a substance should be added to, deleted from, or rescheduled in a schedule of controlled substances under AS 11.71.140 - 11.71.190, the governor shall introduce legislation in accordance with the recommendation of the committee.

(b) If a substance is added as a controlled substance under federal law, the governor shall introduce legislation in accordance with the federal law.

(c) In advising the governor of the need to add, delete, or reschedule a substance under AS 11.71.110(1), the committee shall assess the danger or probable danger of the substance after considering the following:

- (1) the actual or probable abuse of the substance including
 - (A) the history and current pattern of abuse both in this state and in other states;
 - (B) the scope, duration, and significance of abuse;
 - (C) the degree of actual or probable detriment which may result from abuse of the substance;
 - (D) the probable physical and social impact of widespread abuse of the substance;
- (2) the biomedical hazard of the substance including
 - (A) its pharmacology, in the effects and modifiers of the effects of the substance;
 - (B) its toxicology, the acute and chronic toxicity, interaction with other substances, whether controlled or not, and the degree to which it may cause psychological or physiological dependence;
 - (C) the risk to public health and the particular susceptibility of segments of the population;
- (3) whether the substance is an immediate precursor of a substance already controlled under this chapter;
- (4) the current state of scientific knowledge regarding the substance, including whether there is any acceptable means to safely use the substance under medical supervision;
- (5) the relationship between the use of the substance and other criminal activity, including
 - (A) whether persons engaged in illicit trafficking of the substance are also engaged in other criminal activity;
 - (B) whether the nature and relative profitability of manufacturing or delivering the substance encourages illicit trafficking in the substance;
 - (C) whether the commission of other crimes is one of the effects of abuse of the substance;
 - (D) whether addiction to the substance relates to the commission of crimes to support the continued use of the substance.

(d) [Repealed, Sec. 40 ch 6 SLA 1984].

(e) The committee has no authority over tobacco or alcoholic beverages as defined in AS 04.21.080.