

LEGAL SERVICES

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MEMORANDUM

April 8, 2014

SUBJECT: CSSB 173(JUD): Sectional Summary
(Work Order No. 28-LS1242\O)

TO: Senator Kevin Meyer
Attn: Edra Morledge

FROM: Kathleen Strasbaugh
Legislative Counsel

You have requested a new sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 sets out a new chapter regarding illicit synthetic drugs.

AS 17.21.010(a) prohibits the possession, offer, display, marketing, advertising for sale, or selling of illicit synthetic drugs.

Sec. 17.21.010(b) provides that a drug is illicit if

- (1) its label is false or misleading, does not identify the substances contained in the drug, or the name and place of business of the manufacturer, packer or distributor and
- (2) the synthetic drug has one or more of the following characteristics:
 - (A) the packaging suggests the user will achieve an altered mood, hallucination, or other effect,
 - (B) the name or packaging uses images suggesting that the product is or has the properties of a controlled substance,
 - (C) it resembles a controlled substance in appearance, chemical structure, or composition,
 - (D) it is marketed or advertised for a purpose but is disproportionately higher in cost than other products marketed for the same purpose,
 - (E) it has a warning label indicating that it is in compliance with state laws regulating controlled substances,
 - (F) it has a substance added to it that does not have a legitimate relationship to the advertised use,
 - (G) it has one of an extensive list of street names.

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AS 17.21.010(c) provides an affirmative defense if the synthetic drug is expressly regulated under and in compliance with a federal law.

Sec. 17.21.020 provides an exemption for investigative use by qualified experts.

Sec. 17.21.030 identifies the enforcement authority for the chapter and that the penalty is a fine for violation.

Sec. 17.21.090 sets out definitions for the chapter.

Section 2 requires the Department of Health and Social Services to cooperate with the Department of Public Safety in enforcing the provisions of the chapter.

If I may be of further assistance, please advise.

KJS:ray

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