

**HOUSE BILL NO. 3**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE BRICE**

**Introduced: 1/19/99**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to controlled substances and to the possession and distribution**  
2 **of certain chemicals."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 11.71 is amended by adding new sections to article 1 to read:

5 **Sec. 11.71.090. Possession of a listed chemical in the first degree.** (a)

6 Except as authorized in AS 17.30, a person commits the crime of possession of a listed  
7 chemical in the first degree if the person possesses a list I chemical with the intent to  
8 manufacture a schedule IA, IIA, IIIA, IVA, or VA controlled substance.

9 (b) Possession of listed chemical in the first degree is a class A felony.

10 **Sec. 11.71.095. Possession of a listed chemical in the second degree.** (a)

11 Except as authorized in AS 17.30, a person commits the crime of possession of a listed  
12 chemical in the second degree if the person possesses a list II chemical with the intent  
13 to manufacture a schedule IA, IIA, IIIA, IVA, or VA controlled substance.

14 (b) Possession of a listed chemical in the second degree is a class B felony.

1 \* **Sec. 2.** AS 11.71.195 is amended to read:

2           **Sec. 11.71.195. Exempted drugs.** Except as otherwise provided in this  
 3 chapter, a [A] substance the manufacture, distribution, dispensing, or possession of  
 4 which is explicitly exempt from criminal penalty under federal law is exempt from the  
 5 application of this chapter and AS 17.30. This exemption includes any substances **that**  
 6 [WHICH] may, under 21 U.S.C. 301-392 (Food, Drug, and Cosmetic Act), be lawfully  
 7 sold over the counter without a prescription. This exemption also includes those  
 8 substances listed in 21 C.F.R. Sec. 1308.22 on April 1, 1980.

9 \* **Sec. 3.** AS 11.71 is amended by adding a new section to article 2 to read:

10           **Sec. 11.71.200. Listed chemicals.** (a) List I chemicals include  
 11                           (1) anthranilic acid, its esters, and its salts;  
 12                           (2) benzaldehyde;  
 13                           (3) benzyl cyanide;  
 14                           (4) ephedrine, its salts, optical isomers, and salts of optical isomers;  
 15                           (5) ergonovine and its salts;  
 16                           (6) ergotamine and its salts;  
 17                           (7) N-acetylanthranilic acid, its esters, and its salts;  
 18                           (8) nitroethane;  
 19                           (9) norpseudoephedrine, its salts, optical isomers, and salts of optical  
 20 isomers;  
 21                           (10) phenylacetic acid, its esters, and its salts;  
 22                           (11) phenylpropanolamine, its salts, optical isomers, and salts of optical  
 23 isomers;  
 24                           (12) piperidine and its salts;  
 25                           (13) pseudoephedrine, its salts, optical isomers, and salts of optical  
 26 isomers;  
 27                           (14) 3,4-methylenedioxyphenyl-2-propanone;  
 28                           (15) any salt, optical isomer, or salt of an optical isomer of the  
 29 following chemicals:  
 30   (A) ethylamine;  
 31   (B) hydriodic acid;

- 1 (C) isosafrole;  
 2 (D) methylamine;  
 3 (E) N-methylephedrine;  
 4 (F) N-methylpseudoephedrine;  
 5 (G) piperonal;  
 6 (H) propionic anhydride;  
 7 (I) safrole.

8 (b) List II chemicals include

- 9 (1) acetic anhydride;  
 10 (2) acetone;  
 11 (3) benzyl chloride;  
 12 (4) ethyl ether;  
 13 (5) hydrochloric gas;  
 14 (6) iodine;  
 15 (7) potassium permanganate;  
 16 (8) toluene;  
 17 (9) 2-butanone (or methyl ethyl ketone).

18 \* **Sec. 4.** AS 11.71.900 is amended by adding new paragraphs to read:

- 19 (31) "list I chemical" means a chemical included in the list in  
 20 AS 11.71.200(a);  
 21 (32) "list II chemical" means a chemical included in the list in  
 22 AS 11.71.200(b).

23 \* **Sec. 5.** AS 17.30 is amended by adding a new section to article 1 to read:

24 **Sec. 17.30.090. Reporting of distribution of listed chemicals.** (a) A person  
 25 may not knowingly distribute a listed chemical in an amount or quantity set by  
 26 regulation by the commissioner of public safety in this state unless the person

27 (1) positively identifies the person to whom the chemical is being  
 28 distributed by picture identification or otherwise; and

29 (2) within 24 hours of the distribution, reports to the commissioner of  
 30 public safety on a form provided by the commissioner the name, address, and  
 31 telephone number of the person to whom the distribution is made, the name of the

1 chemical and the quantity distributed, and other information required by the  
2 commissioner by regulation.

3 (b) In this section, "listed chemical" means a list I chemical or a list II  
4 chemical as defined in AS 11.71.900.

5 (c) A person who violates this section is guilty of a class C felony and may  
6 be punished as provided in AS 12.55.