

CS FOR HOUSE BILL NO. 3(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/11/99
Referred: Finance

Sponsor(s): REPRESENTATIVES BRICE, Smalley, James

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 11.71.020(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of
6 misconduct involving a controlled substance in the second degree if the person

7 (1) manufactures or delivers any amount of a schedule IA controlled
8 substance or possesses any amount of a schedule IA controlled substance with intent
9 to manufacture or deliver;

10 (2) manufactures any material, compound, mixture, or preparation
11 that contains

12 (A) methamphetamine, or its salts, isomers, or salts of
13 isomers; or

14 (B) an immediate precursor of methamphetamine, or its

1 salts, isomers, or salts of isomers;

2 (3) possesses an immediate precursor of methamphetamine, or the
 3 salts, isomers, or salts of isomers of the immediate precursor of
 4 methamphetamine, with the intent to manufacture any material compound,
 5 mixture, or preparation that contains methamphetamine, or its salts, isomers, or
 6 salts of isomers; or

7 (4) possesses a listed chemical with intent to manufacture any
 8 material, compound, mixture, or preparation that contains

9 (A) methamphetamine, or its salts, isomers, or salts of
 10 isomers; or

11 (B) an immediate precursor of methamphetamine, or its
 12 salts, isomers, or salts of isomer.

13 * **Sec. 2.** AS 11.71.020 is amended by adding a new subsection to read:

14 (c) In this section, "listed chemical" means a chemical described under
 15 AS 11.71.200.

16 * **Sec. 3.** AS 11.71.030(a) is amended to read:

17 (a) Except as authorized in AS 17.30, a person commits the crime of
 18 misconduct involving a controlled substance in the third degree if the person

19 (1) under circumstances not proscribed under AS 11.71.020(a)(2) -
 20 (4), manufactures or delivers any amount of a schedule IIA or IIIA controlled
 21 substance or possesses any amount of a schedule IIA or IIIA controlled substance with
 22 intent to manufacture or deliver;

23 (2) delivers any amount of a schedule IVA, VA, or VIA controlled
 24 substance to a person under 19 years of age who is at least three years younger than
 25 the person delivering the substance; or

26 (3) possesses any amount of a schedule IA or IIA controlled substance

27 (A) with reckless disregard that the possession occurs

28 (i) on or within 500 feet of school grounds; or

29 (ii) at or within 500 feet of a recreation or youth center;

30 or

31 (B) on a school bus.

1 * **Sec. 4.** 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. 5.** AS 11.71 is amended by adding a new section to article 2 to read:

10 **Sec. 11.71.200. Listed chemicals.** Listed chemicals are chemicals that are
 11 used in manufacturing a controlled substance in violation of AS 11.71. Listed
 12 chemicals include

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

- 1 (A) ethylamine;
2 (B) hydriodic acid;
3 (C) isosafrole;
4 (D) methylamine;
5 (E) N-methylephedrine;
6 (F) N-methylpseudoephedrine;
7 (G) piperonal;
8 (H) propionic anhydride;
9 (I) safrole;
10 (16) acetic anhydride;
11 (17) acetone;
12 (18) anhydrous ammonia;
13 (19) benzyl chloride;
14 (20) ethyl ether;
15 (21) hydriotic acid;
16 (22) hydrochloric gas;
17 (23) hydrophosphoric acid;
18 (24) iodine and crystal iodine;
19 (25) lithium metal;
20 (26) potassium permanganate;
21 (27) red phosphorous;
22 (28) toluene;
23 (29) 2-butanone (or methyl ethyl ketone).