

**HOUSE BILL NO. 397**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MURKOWSKI, Halcro

Introduced: 2/16/00

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to marijuana."

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

3 \* **Section 1.** AS 11.71.040(a) is amended to read:

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

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

9 (2) manufactures or delivers, or possesses with the intent to  
10 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
11 of an aggregate weight of

12 (A) one ounce or more containing a schedule VIA controlled  
13 substance in its commonly used form; or

14 (B) four ounces or more containing a schedule VIA  
15 controlled substance in an unprocessed form;

- 1 (3) possesses
- 2 (A) any amount of a schedule IA or IIA controlled substance;
- 3 (B) 25 or more tablets, ampules, or syrettes containing a
- 4 schedule IIIA or IVA controlled substance;
- 5 (C) one or more preparations, compounds, mixtures, or
- 6 substances of an aggregate weight of three grams or more containing a
- 7 schedule IIIA or IVA controlled substance;
- 8 (D) 50 or more tablets, ampules, or syrettes containing a
- 9 schedule VA controlled substance;
- 10 (E) one or more preparations, compounds, mixtures, or
- 11 substances of an aggregate weight of six grams or more containing a schedule
- 12 VA controlled substance;
- 13 (F) one or more preparations, compounds, mixtures, or
- 14 substances of an aggregate weight of
- 15 (i) one pound or more containing a schedule VIA
- 16 controlled substance **in its commonly used form; or**
- 17 (ii) **four pounds or more containing a schedule VIA**
- 18 **controlled substance in an unprocessed form; or**
- 19 (G) 25 or more plants of the genus cannabis;
- 20 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance
- 21 (A) with reckless disregard that the possession occurs
- 22 (i) on or within 500 feet of school grounds; or
- 23 (ii) at or within 500 feet of a recreation or youth center;
- 24 or
- 25 (B) on a school bus;
- 26 (5) knowingly keeps or maintains any store, shop, warehouse, dwelling,
- 27 building, vehicle, boat, aircraft, or other structure or place that is used for keeping or
- 28 distributing controlled substances in violation of a felony offense under this chapter
- 29 or AS 17.30;
- 30 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
- 31 thing **that** [WHICH] prints, imprints, or reproduces a trademark, trade name, or other

1 identifying mark, imprint, or device of another or any likeness of any of these upon  
2 a drug, drug container, or labeling so as to render the drug a counterfeit substance;

3 (7) knowingly uses in the course of the manufacture or distribution of  
4 a controlled substance a registration number that is fictitious, revoked, suspended, or  
5 issued to another person;

6 (8) knowingly furnishes false or fraudulent information in or omits  
7 material information from any application, report, record, or other document required  
8 to be kept or filed under AS 17.30;

9 (9) obtains possession of a controlled substance by misrepresentation,  
10 fraud, forgery, deception, or subterfuge; or

11 (10) affixes a false or forged label to a package or other container  
12 containing any controlled substance.

13 \* **Sec. 2.** AS 11.71.050(a) is amended to read:

14 (a) Except as authorized in AS 17.30, a person commits the crime of  
15 misconduct involving a controlled substance in the fifth degree if the person

16 (1) manufactures or delivers, or possesses with the intent to  
17 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
18 of an aggregate weight of

19 (A) one-half ounce or more containing a schedule VIA  
20 controlled substance **in its commonly used form; or**

21 (B) **two ounces or more containing a schedule VIA**  
22 **controlled substance in an unprocessed form;**

23 (2) manufactures or delivers, or possesses with the intent to  
24 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
25 of an aggregate weight of less than

26 (A) one-half ounce containing a schedule VIA controlled  
27 substance **in its commonly used form,** for remuneration; **or**

28 (B) **two ounces containing a schedule VIA controlled**  
29 **substance in an unprocessed form, for remuneration;**

30 (3) possesses

31 (A) less than 25 tablets, ampules, or syrettes containing a

1 schedule IIIA or IVA controlled substance;

2 (B) one or more preparations, compounds, mixtures, or  
3 substances of an aggregate weight of less than three grams containing a  
4 schedule IIIA or IVA controlled substance;

5 (C) less than 50 tablets, ampules, or syrettes containing a  
6 schedule VA controlled substance;

7 (D) one or more preparations, compounds, mixtures, or  
8 substances of an aggregate weight of less than six grams containing a schedule  
9 VA controlled substance; [OR]

10 (E) one or more preparations, compounds, mixtures, or  
11 substances of an aggregate weight of

12 (i) one-half pound or more containing a schedule VIA  
13 controlled substance **in its commonly used form; or**

14 (ii) **two pounds or more containing a schedule VIA**  
15 **controlled substance in its unprocessed form; or**

16 (F) **more than four but less than 25 plants of the genus**  
17 **cannabis; or**

18 (4) fails to make, keep, or furnish any record, notification, order form,  
19 statement, invoice, or information required under AS 17.30.

20 \* **Sec. 3.** AS 11.71.060(a) is amended to read:

21 (a) Except as authorized in AS 17.30, a person commits the crime of  
22 misconduct involving a controlled substance in the sixth degree if the person

23 (1) uses or displays any amount of a schedule VIA controlled  
24 substance;

25 (2) [OR] possesses

26 (A) one or more preparations, compounds, mixtures, or  
27 substances of an aggregate weight of less than

28 (i) one-half pound containing a schedule VIA controlled  
29 substance **in its commonly used form; or**

30 (ii) **two pounds containing a schedule VIA controlled**  
31 **substance in its unprocessed form;**

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**(B) less than five plants of the genus cannabis; or**

**(3)** [(2)] refuses entry into a premise for an inspection authorized under AS 17.30.

\* **Sec. 4.** AS 11.71.080 is amended to read:

**Sec. 11.71.080. Aggregate weight of [LIVE] marijuana under AS 11.71.040 - 11.71.060 [PLANTS].** For purposes of calculating the aggregate weight of [A LIVE] marijuana **under AS 11.71.040 - 11.71.060** [PLANT], the aggregate weight [SHALL BE THE WEIGHT] of [THE] marijuana **in** [WHEN REDUCED TO] its

**(1)** commonly used form **is the weight of the seeds, leaves, buds, and flowers of the plant of the genus cannabis; or**

**(2)** **unprocessed form is the weight of the plant of the genus cannabis when the plant has been severed from its root ball.**