

AMENDMENT # 5

Sen. Green
Sen Wagner

OFFERED IN THE SENATE

TO: SCS CSHB 149(FIN)

1 Page 1, line 6, following "**Procedure**":

2 Insert ", and **Rule 65, Alaska Rules of Civil Procedure**"

3

4 Page 16, lines 8 - 9:

5 Delete all material and insert:

6 "(b) If a product or substance contains, as the sole active ingredient,
7 ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts
8 of isomers, or contains iodine or crystal"

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10 Page 16, line 13, following "public.":

11 Insert "The commissioner of public safety may issue a regulation, including an
12 emergency regulation, with an immediate effective date, that requires other products or
13 substances containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts,
14 isomers, or salts of isomers to be subject to the requirements of this subsection by naming the
15 product or substance by brand when the commissioner finds that the product or substance
16 named in the regulation has been found in connection with illegal manufacture of
17 methamphetamine in this state and presents a risk of further diversion to the illegal
18 manufacture of methamphetamine if not subject to the requirements of this subsection. An
19 emergency regulation adopted under this subsection is not subject to challenge under
20 AS 44.62.300(2). A court reviewing an emergency regulation under AS 44.62.300 may not
21 grant a temporary restraining order or injunction restraining or enjoining the enforcement of
22 the regulation. An emergency regulation adopted under this subsection is subject to
23 AS 44.62.260."

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Page 16, line 24:

Delete "It is an affirmative defense to a prosecution under this section"

Insert "A retailer does not violate this section if the retailer proves by a preponderance of the evidence"

Page 17, lines 2 - 4:

Delete all material and insert:

"(f) a person who violates (a), (b), or (c) of this section shall forfeit and pay to the state a civil penalty of not more than \$10,000 for each violation."

Page 17, line 10:

Delete all material.

Renumber the following paragraph accordingly.

Page 18, following line 9:

Insert a new bill section to read:

*** Sec. 22.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENT. Section 18 of this Act has the effect of amending Rule 65, Alaska Rules of Civil Procedure, by limiting the authority of a court to grant a temporary restraining order or injunction when reviewing an emergency regulation adopted under AS 17.30.090(b)."

Renumber the following bill sections accordingly.

Page 18, line 17:

Delete "Sections 1 - 18, 21, and 22"

Insert "Sections 1 - 18 and 21 - 23"