HOUSE BILL NO. 379

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MEYER, Wilson, McGuire

Introduced: 1/18/06
Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to controlled substances."

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

*** Section 1.** AS 11.71.140 is amended by adding a new subsection to read:

(e) Schedule IA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation:

(1) gamma-hydroxybutyric acid (GHB) (some other names include gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(2) gamma butyrolactone (GBL);

(3) 1,4-butanediol.

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

Sec. 11.71.193. Analog controlled substances. (a) In this chapter, references to controlled substances include all controlled substance analogs of that controlled substance.

(b) In this section, "controlled substance analog" means a substance

(1) the chemical structure of which is substantially similar to the chemical structure of a substance classified in AS 11.71.140 or 11.71.150; or

(2) that has or is intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than, the effect of a controlled substance classified in AS 11.71.140 or 11.71.150.

(c) This section does not apply to

(1) any substance for which there is an approved new drug application as defined under 21 U.S.C. 355 (sec. 505 of the Federal Food, Drug, and Cosmetic Act) or that is generally recognized as safe and effective for use under 21 U.S.C. 351 - 353 (secs. 501, 502, and 503 of the Federal Food, Drug, and Cosmetic Act) and 21 C.F.R. 330 et seq.;

(2) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under 21 U.S.C. 355 (sec. 505 of the Federal Food, Drug, and Cosmetic Act) if the conduct with respect to that substance is allowed by the exemption; or

(3) any substance, before an exemption as specified in (2) of this subsection takes effect with respect to the substance, to the extent the substance is not intended for human consumption.

*** Sec. 3.** AS 11.71.170(b)(28) is repealed.