

**CS FOR SENATE BILL NO. 70(HES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 2/28/05

Referred: Judiciary, Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to controlled substances regarding the crimes of manslaughter,  
2 endangering the welfare of a child, and misconduct involving a controlled substance;  
3 relating to listing certain anabolic steroids as controlled substances; and providing for  
4 an effective date."

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

6 \* **Section 1.** AS 11.41.120(a) is amended to read:

7 (a) A person commits the crime of manslaughter if the person

8 (1) intentionally, knowingly, or recklessly causes the death of another  
9 person under circumstances not amounting to murder in the first or second degree;

10 [OR]

11 (2) intentionally aids another person to commit suicide; or

12 (3) knowingly manufactures or delivers a controlled substance in  
13 violation of AS 11.71, and a person dies as a direct result of ingestion of the  
14 controlled substance; the death is a result that does not require a culpable mental

1 **state.**

2 \* **Sec. 2.** AS 11.41.120 is amended by adding a new subsection to read:

3 (c) It is an affirmative defense to a prosecution under (a)(3) of this section that

4 (1) the defendant manufactured the controlled substance for the  
5 defendant's own personal use;

6 (2) the controlled substance was stolen from a locked area designed for  
7 securing valuable items or dangerous materials; and

8 (3) the defendant did not know or have reason to believe that the  
9 controlled substance would be taken from the locked area.

10 \* **Sec. 3.** AS 11.51.100(c) is amended to read:

11 (c) In this section,

12 **(1) "building," in addition to its usual meaning, includes a**  
13 **propelled vehicle or structure adopted for overnight accommodation of persons**  
14 **or for conducting business; when a building consists of separate units, including**  
15 **apartment units, offices, or rented rooms, each unit is considered a part of the**  
16 **same building;**

17 **(2)** "physically mistreated" means

18 **(A)** [(1)] having committed an act punishable under  
19 AS 11.41.100 - 11.41.250; or

20 **(B)** [(2)] having applied force to a child that, under the  
21 circumstances in which it was applied, or considering the age or physical  
22 condition of the child, constitutes a gross deviation from the standard of  
23 conduct that a reasonable person would observe in the situation because of the  
24 substantial and unjustifiable risk of

25 **(i)** [(A)] death;

26 **(ii)** [(B)] serious or protracted disfigurement;

27 **(iii)** [(C)] protracted impairment of health;

28 **(iv)** [(D)] loss or impairment of the function of a body  
29 member or organ;

30 **(v)** [(E)] substantial skin bruising, burning, or other skin  
31 injury;



- 1 (A) methamphetamine, or its salts, isomers, or salts of isomers;  
 2 or  
 3 (B) an immediate precursor of methamphetamine, or its salts,  
 4 isomers, or salts of **isomers; or**  
 5 **(5) possesses methamphetamine in an organic solution with intent**  
 6 **to extract from the solution methamphetamine salts, isomers, or salts of isomers**  
 7 **[ISOMER].**

8 \* **Sec. 7.** AS 11.71.180 is amended by adding a new subsection to read:

9 (f) Schedule VA includes, unless specifically excepted or unless listed in  
 10 another schedule, any material, compound, mixture, or preparation that contains any  
 11 quantity of the following substances, including their salts, esters, isomers, and salts of  
 12 esters and isomers if those salts, esters, or isomers promote muscle growth, whenever  
 13 the existence of these salts, esters, and isomers is possible within the specific chemical  
 14 designation: anabolic steroids. In this subsection, "anabolic steroids" means any drug  
 15 or hormonal substance that is chemically and pharmacologically related to testosterone  
 16 (other than estrogens, progestins, and corticosteroids) and that promotes muscle  
 17 growth; "anabolic steroids" does not include an anabolic steroid that is expressly  
 18 intended for administration through implants to cattle or other nonhuman species and  
 19 that has been approved by the United States Secretary of Health and Human Services  
 20 for that administration, unless a person prescribes, dispenses, or distributes that type of  
 21 anabolic steroid for human use; "anabolic steroids" includes the following:

- 22 (1) boldenone;  
 23 (2) chlorotestosterone (4-chlorotestosterone);  
 24 (3) clostebol;  
 25 (4) dehydrochlormethyltestosterone;  
 26 (5) dihydrotestosterone (4-dihydrotestosterone);  
 27 (6) drostanolone;  
 28 (7) ethylestrenol;  
 29 (8) fluoxymesterone;  
 30 (9) formebulone (formebolone);  
 31 (10) mesterolone;

- 1 (11) methandienone;
- 2 (12) methandranone;
- 3 (13) methandriol;
- 4 (14) methandrostenolone;
- 5 (15) methenolone;
- 6 (16) methyltestosterone;
- 7 (17) mibolerone;
- 8 (18) nandrolone;
- 9 (19) norethandrolone;
- 10 (20) oxandrolone;
- 11 (21) oxymesterone;
- 12 (22) oxymetholone;
- 13 (23) stanolone;
- 14 (24) stanozolol;
- 15 (25) testolactone;
- 16 (26) testosterone;
- 17 (27) trenbolone.

18 \* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to  
19 read:

20 APPLICABILITY. This Act applies to offenses committed on or after the effective  
21 date of this Act.

22 \* **Sec. 9.** This Act takes effect July 1, 2005.