

CS FOR SENATE BILL NO. 173(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 3/14/14

Referred: Finance

Sponsor(s): SENATORS MEYER, McGuire, Bishop, Gardner, Giessel, Ellis, Micciche, Kelly

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a prohibition on the possession, offer, display, marketing,**
2 **advertising for sale, or sale of illicit synthetic drugs."**

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

4 * **Section 1.** AS 17 is amended by adding a new chapter to read:

5 **Sec. 17.21.010. Illicit synthetic drugs.** (a) A person may not possess, offer,
6 display, market, advertise for sale, or sell an illicit synthetic drug.

7 (b) A synthetic drug is illicit if

8 (1) the label

9 (A) is false or misleading;

10 (B) does not specify the identity of the substances contained in
11 the synthetic drug; or

12 (C) does not specify the name and place of business of the
13 manufacturer, packer, or distributor; and

14 (2) the synthetic drug has one or more of the following characteristics:

1 (A) the packaging or labeling of the synthetic drug suggests
 2 that the user will achieve euphoria, a hallucination, mood enhancement,
 3 relaxation, stimulation, or another effect on the body;

4 (B) the name or packaging of the synthetic drug uses images or
 5 labels suggesting that it is a controlled substance or has the effect of a
 6 controlled substance;

7 (C) the synthetic drug resembles a controlled substance in
 8 appearance, in chemical structure, or composition;

9 (D) the synthetic drug is marketed or advertised for a particular
 10 use or purpose and the cost of the synthetic drug is disproportionately higher
 11 than other products marketed or advertised for the same or similar use or
 12 purpose;

13 (E) the synthetic drug contains a warning label stating or
 14 suggesting that the synthetic drug is in compliance with state laws regulating
 15 controlled substances;

16 (F) the synthetic drug is a product to which has been added a
 17 synthetic chemical or synthetic chemical compound that does not have a
 18 legitimate relationship to the advertised use of the product;

19 (G) the synthetic drug is labeled as or has one or more of the
 20 following street names: AK47, Aroma, Atomic, Aura, Barely In, Black
 21 Mamba, Black Rob, Bliss, Blizzard, Blue Silk, Bombay Blue, Bonzai Grow,
 22 Brain Storm, Bullet, Buzz, California Dreams, Charge Plus, Charlie, Chill X,
 23 Chronic Spice, Cloud 9, Dank, Daylights, Dead Man Walking, Demon,
 24 Dragons Fire, Drone, D-ZL, Earth Impact, Earthquake, Energy-1, Euphoria,
 25 Fake Weed, g-13, G-20, Galaxy Gold, Genie, Guerrilla Warfare, Hayze,
 26 Hurricane, Hurricane Charlie, Hush, Hypnotiq, Ivory Wave, Jazz, Joker, K2,
 27 K3, Kush, Kush Mania, Legal, Lovely Dovey, Lucid, Lunar Wave, Maddie,
 28 Mad Hatter, Makes Scents, Matrix, Maui Wowie, MCAT, MDPK, MDPV,
 29 Meow Meow, Meph, Mind Trip, Moon Rocks, MTV, Mystery, Nightlights,
 30 Ocean, Ocean Blue, Ocean Burst, OMG, Peeve, Pineapple Express, Pixie Dust,
 31 Posh, Pot-Pourri, Pulse, Pure Ivory, Purple Wave, PV, Red Dove, Sence,

1 Serenity, Smoke, Snow Leopard, Mr. Happy, Mr. Nice Guy, Scarface, Scooby
 2 Snax, Scope, Skunk, Sky High, Solar Flare, Soul Sence, Space Truckin, Spice,
 3 Spice 99, Spice Gold, Spice Silver, Stardust, Stinger, Super Coke, Tiger Shark,
 4 Vanilla Sky, Voodoo, Voodoo Child, White Dove, White Knight, White
 5 Lightning, Zohai.

6 (c) It is an affirmative defense to an action for a violation of this section that a
 7 product is expressly exempted from or is expressly regulated under and is in
 8 compliance with state or federal law. In this subsection, "affirmative defense" has the
 9 meaning given in AS 11.81.900.

10 **Sec. 17.21.020. Exemption.** AS 17.21.010 does not apply to a synthetic drug
 11 intended solely for investigational use by experts qualified by scientific training and
 12 experience to investigate the safety of drugs if the drug is plainly labeled "for
 13 investigational use only," and the investigational use is authorized by state or federal
 14 law.

15 **Sec. 17.21.030. Enforcement and penalties.** (a) The commissioner of public
 16 safety is responsible for enforcing this chapter and may

17 (1) delegate that authority as appropriate; and

18 (2) cooperate with the Department of Health and Social Services in
 19 carrying out the commissioner's enforcement activities.

20 (b) This section does not limit the authority of a peace officer.

21 (c) A person who violates AS 17.21.010 is guilty of a violation and, upon
 22 conviction, is punishable by a fine of not more than \$500.

23 (d) The provisions of this section are in addition to the remedies available
 24 under AS 45.50.471 - 45.50.561.

25 **Sec. 17.21.090. Definitions.** In this chapter, unless the context clearly requires
 26 otherwise,

27 (1) "controlled substance" has the meaning given in AS 11.71.900;

28 (2) "drug" has the meaning given in AS 17.20.370;

29 (3) "synthetic drug" means a substance that is

30 (A) a chemical or chemical compound intended, when
 31 introduced into the human body, to mimic or simulate the effect of a drug or

1 controlled substance;

2 (B) in the form of

3 (i) a crystalline or powder product in crystalline, loose
4 powder, block, tablet, or capsule form; or

5 (ii) plant material in granular, loose leaf, powder, or
6 liquid form or used as a food additive; and

7 (C) that is not a controlled substance.

8 * **Sec. 2.** AS 44.29.020 is amended by adding a new subsection to read:

9 (c) The Department of Health and Social Services shall cooperate with the
10 Department of Public Safety in enforcement of the prohibition on the possession,
11 offer, display, marketing, advertising, or sale of illicit synthetic drugs under AS 17.21.