



AMENDMENT # 11

OFFERED IN THE HOUSE  
TO: CSHB 49(FIN)

BY REPRESENTATIVE PRUITT

1 Page 25, line 3, through page 28, line 26:

2 Delete all material and insert:

3 **"\* Sec. 44.** AS 11.71.040(a) is amended to read:

4 (a) Except as authorized in AS 03.05, AS 17.30, or AS 17.38 [AS 17.30], a  
5 person commits the crime of misconduct involving a controlled substance in the  
6 fourth [THIRD] degree if the person

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

10 (2) manufactures or delivers, or possesses with the intent to  
11 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
12 of an aggregate weight of one ounce or more containing a schedule VIA controlled  
13 substance;

14 (3) possesses

15 (A) any amount of a

16 (i) schedule IA controlled substance [LISTED IN  
17 AS 11.71.140(e)];

18 (ii) IIA controlled substance except a controlled  
19 substance listed in AS 11.71.150(e)(11) - (15);

20 (B) 25 or more tablets, ampules, or syrettes containing a  
21 schedule IIIA or IVA controlled substance;

22 (C) one or more preparations, compounds, mixtures, or  
23 substances of an aggregate weight of

1 (i) three grams or more containing a schedule IIIA  
2 or IVA controlled substance except a controlled substance in a  
3 form listed in (ii) of this subparagraph;

4 (ii) 12 grams or more containing a schedule IIIA  
5 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been  
6 sprayed on or otherwise applied to tobacco, an herb, or another  
7 organic material; or

8 (iii) 500 milligrams or more of a schedule IIA  
9 controlled substance listed in AS 11.71.150(e)(11) - (15);

10 (D) 50 or more tablets, ampules, or syrettes containing a  
11 schedule VA controlled substance;

12 (E) one or more preparations, compounds, mixtures, or  
13 substances of an aggregate weight of six grams or more containing a  
14 schedule VA controlled substance;

15 (F) one or more preparations, compounds, mixtures, or  
16 substances of an aggregate weight of four ounces or more containing a  
17 schedule VIA controlled substance; or

18 (G) 25 or more plants of the genus cannabis;

19 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

20 (A) with reckless disregard that the possession occurs

21 (i) on or within 500 feet of school grounds; or

22 (ii) at or within 500 feet of a recreation or youth center;

23 or

24 (B) on a school bus;

25 (5) knowingly keeps or maintains any store, shop, warehouse,  
26 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for  
27 keeping or distributing controlled substances in violation of a felony offense under this  
28 chapter or AS 17.30;

29 (6) makes, delivers, or possesses a punch, die, plate, stone, or other  
30 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying  
31 mark, imprint, or device of another or any likeness of any of these on a drug, drug

1 container, or labeling so as to render the drug a counterfeit substance;

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

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

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

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

12 (11) manufactures or delivers, or possesses with the intent to  
13 manufacture or deliver,

14 (A) one or more preparations, compounds, mixtures, or  
15 substances of an aggregate weight of less than one gram containing a schedule  
16 IA controlled substance;

17 (B) less than 25 tablets, ampules, or syrettes containing a  
18 schedule IA controlled substance;

19 (C) one or more preparations, compounds, mixtures, or  
20 substances of an aggregate weight of less than 2.5 grams containing a schedule  
21 IIA or IIIA controlled substance; or

22 (D) less than 50 tablets, ampules, or syrettes containing a  
23 schedule IIA or IIIA controlled substance.

24 \* **Sec. 45.** AS 11.71.040(d) is amended to read:

25 (d) Misconduct involving a controlled substance in the **fourth** [THIRD]  
26 degree is a class C felony.

27 \* **Sec. 46.** AS 11.71.050 is amended to read:

28 **Sec. 11.71.050. Misconduct involving a controlled substance in the fifth**  
29 **[FOURTH] degree.** (a) Except as authorized in AS 17.30 **or AS 17.38**, a person  
30 commits the crime of misconduct involving a controlled substance in the **u**  
31 **[FOURTH] degree** if the person

1 (1) manufactures or delivers, or possesses with the intent to  
2 manufacture or deliver, one or more preparations, compounds, mixtures, or substances  
3 of an aggregate weight of less than one ounce containing a schedule VIA controlled  
4 substance;

5 (2) [REPEALED]

6 (3) fails to make, keep, or furnish any record, notification, order form,  
7 statement, invoice, or information required under AS 17.30; [OR]

8 (4) under circumstances not proscribed under AS 11.71.030(a)(3),  
9 11.71.040(a)(3), 11.71.040(a)(4), or 11.71.060(a)(2), possesses any amount of a  
10 schedule IA, IIA, IIIA, IVA, VA, or VIA controlled substance; or

11 **(5) possesses**

12 **(A) less than 25 tablets, ampules, or syrettes containing a**  
13 **schedule IIIA or IVA controlled substance;**

14 **(B) one or more preparations, compounds, mixtures, or**  
15 **substances of an aggregate weight of less than**

16 **(i) three grams containing a schedule IIIA or IVA**  
17 **controlled substance except a controlled substance in a form listed**  
18 **in (ii) of this subparagraph;**

19 **(ii) 12 grams but more than six grams containing a**  
20 **schedule IIIA controlled substance listed in AS 11.71.160(f)(7) -**  
21 **(16) that has been sprayed on or otherwise applied to tobacco, an**  
22 **herb, or another organic material; or**

23 **(iii) 500 milligrams containing a schedule IIA**  
24 **controlled substance listed in AS 11.71.150(e)(11) - (15);**

25 **(C) less than 50 tablets, ampules, or syrettes containing a**  
26 **schedule VA controlled substance;**

27 **(D) one or more preparations, compounds, mixtures, or**  
28 **substances of an aggregate weight of less than six grams containing a**  
29 **schedule VA controlled substance; or**

30 **(E) one or more preparations, compounds, mixtures, or**  
31 **substances of an aggregate weight of one ounce or more containing a**

1 schedule VIA controlled substance.

2 (b) Misconduct involving a controlled substance in the fifth [FOURTH]  
3 degree is a class A misdemeanor.

4 \* **Sec. 47.** AS 11.71.060 is amended to read:

5 **Sec. 11.71.060. Misconduct involving a controlled substance in the sixth**  
6 **[FIFTH] degree.** (a) Except as authorized in AS 17.30 or AS 17.38, a person  
7 commits the crime of misconduct involving a controlled substance in the sixth  
8 [FIFTH] degree if the person

9 (1) uses or displays any amount of a schedule VIA controlled  
10 substance;

11 (2) possesses one or more preparations, compounds, mixtures, or  
12 substances of an aggregate weight of

13 (A) less than one ounce containing a schedule VIA controlled  
14 substance;

15 (B) six grams or less containing a schedule IIIA controlled  
16 substance listed in AS 11.71.160(f)(7) - (16) that has been sprayed on or  
17 otherwise applied to tobacco, an herb, or another organic material; or

18 (3) refuses entry into a premise for an inspection authorized under  
19 AS 17.30.

20 (b) Misconduct involving a controlled substance in the sixth [FIFTH] degree  
21 is a class B misdemeanor.

22 \* **Sec. 48.** AS 11.71.311(a) is amended to read:

23 (a) A person may not be prosecuted for a violation of AS 11.71.030(a)(3),  
24 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) if  
25 that person

26 (1) sought, in good faith, medical or law enforcement assistance for  
27 another person who the person reasonably believed was experiencing a drug overdose  
28 and

29 (A) the evidence supporting the prosecution for an offense  
30 under AS 11.71.030(a)(3), 11.71.040(a)(3) or (4), 11.71.050(a)(5)  
31 [11.71.050(a)(4)], or 11.71.060(a)(1) or (2) was obtained or discovered as a

1 result of the person seeking medical or law enforcement assistance;

2 (B) the person remained at the scene with the other person until  
3 medical or law enforcement assistance arrived; and

4 (C) the person cooperated with medical or law enforcement  
5 personnel, including by providing identification;

6 (2) was experiencing a drug overdose and sought medical assistance,  
7 and the evidence supporting a prosecution for an offense under AS 11.71.030(a)(3),  
8 11.71.040(a)(3) or (4), 11.71.050(a)(5) [11.71.050(a)(4)], or 11.71.060(a)(1) or (2)  
9 was obtained as a result of the overdose and the need for medical assistance."  
10

11 Page 66, lines 16 - 17:

12 Delete "11.71.030(a)(1), (2), or (4) - (8)"

13 Insert "11.71.030(a)(2) or (9) [11.71.030(a)(1), (2), or (4) - (8)]"

14  
15 Page 69, line 24, following "11.71.040(a)(11)":

16 Insert ", 11.71.050(a)(4)"