

Original Sponsor: Harris

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1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 486

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale and use of depressant,
7 hallucinogenic and stimulant drugs."

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

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

10 CHAPTER 12. DEPRESSANT, HALLUCINOGENIC AND STIMULANT DRUG CONTROL.

11 Sec. 17.12.010. PURPOSE. It is the purpose of this chapter to
12 control the sale and use of certain drugs which because of their depres-
13 sant or stimulant qualities may have an adverse effect upon users.

14 Sec. 17.12.020. DRUG DEFINED AND PROCEDURE. (a) In this chapter
15 "drug" means a drug containing any quantity of a substance which sig-
16 nificantly affects or alters consciousness, the ability to think,
17 critical judgment, motivation, mood, psychomotor coordination or sensor
18 perception and is substantially involved in drug abuse or has sub-
19 stantial potential for such involvement. Abuse exists when drugs are
20 used for their psychotoxic effects alone, and not as therapeutic media
21 prescribed or recommended in the course of medical treatment, or when
22 they are obtained through illicit channels.

23 (b) The Board of Pharmacy shall determine which substances and
24 products are drugs, within the meaning set out in (a) of this section.
25 A determination shall be made only after investigation.

26 (c) The Board of Pharmacy shall compile and keep current a list
27 of all substances determined by it to be drugs under this chapter and
28 shall issue and publish the list as part of its rules and regulations.

29 Sec. 17.12.030. ACTS PROHIBITED. No person, except a person

1 authorized under chs. 10 and 15 of this title, shall sell, deliver or
2 otherwise dispose of a drug to any other person, nor shall a person,
3 other than a person authorized under chs. 10 and 15 of this title,
4 possess or have under his control a drug other than for (1) the personal
5 use of himself or a member of his household, or (2) for administration
6 to an animal owned by him or a member of his household and which was
7 obtained legally by prescription.

8 Sec. 17.12.040. RULES AND REGULATIONS. The Board of Pharmacy is
9 authorized and empowered to make rules and regulations which it consi-
10 ders necessary to govern the sale and dispensing of drugs covered by
11 this chapter by those persons authorized by law to sell or dispense
12 them. The rules and regulations may include but need not be limited
13 to requirements for prescriptions and a prohibition of sale or dis-
14 pensing of the drugs to minors. The Board of Pharmacy also is
15 authorized and empowered to make additional rules and regulations it
16 considers necessary to carry out the purposes of this chapter and to
17 secure effective enforcement of its provisions.

18 Sec. 17.12.050. PENALTIES. (a) A person who is convicted of
19 possessing a depressant, hallucinogenic, or stimulant drug in violation
20 of this chapter is guilty of a misdemeanor and is punishable by a fine
21 of not more than \$500 or by imprisonment for not more than one year,
22 or by both.

23 (b) A person who violates a provision of this chapter other than
24 one provided for in (a) of this section, relating to the possession or
25 control of depressant, hallucinogenic or stimulant drugs, when his
26 possession or control is for the purpose of sale or other disposal to
27 another person, is guilty of a felony and upon conviction is punishable
28 by a fine of not more than \$5,000 and by imprisonment for not less than
29 two nor more than 10 years. For a second offense, or for a first

1 offense where the offender has previously been convicted of a violation
2 of the laws of the United States or of any other state, territory or
3 district relating to the sale or other disposal of depressant,
4 hallucinogenic or stimulant drugs to another person, the offender is
5 punishable by a fine of not more than \$7,500 and by imprisonment for
6 not less than 10 nor more than 20 years. For a third or subsequent
7 offense, or if the offender has previously been convicted two or more
8 times of a violation of the laws of the United States or of any other
9 state, territory or district relating to the sale or other disposal of
10 depressant, hallucinogenic or stimulant drugs to another person, the
11 offender is punishable by a fine of not more than \$10,000 and by im-
12 prisonment for not less than 20 nor more than 40 years.

13 (c) A person convicted of illegally selling, giving or supplying
14 depressant, hallucinogenic or stimulant drugs to a person under the age
15 of 21 years is punishable

16 (1) if the offense is a first violation, by imprisonment for
17 not less than 10 nor more than 30 years and by a fine of not less than
18 \$5,000 nor more than \$10,000;

19 (2) if the offense is a second violation or if the offense is
20 a first violation and the offender has previously been convicted of a
21 violation of this chapter or of the laws of the United States or of any
22 other state, territory or district relating to the selling, giving or
23 supplying of depressant, hallucinogenic or stimulant drugs to a person
24 under the age of 21 years, by imprisonment for not less than 15 years
25 or more than 30 years, and by a fine of not more than \$25,000;

26 (3) if the offense is a third violation or if the offense is
27 a first or second violation and the offender has previously been con-
28 victed two or more times of any violation of this chapter or of the
29 laws of the United States, or of any other state, territory or district

1 relating to the selling, giving or supplying of depressant, hallucino-
2 genic or stimulant drugs to a person under the age of 21 years, by
3 imprisonment for the remainder of his natural life.
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