

1 SELL, PRESCRIBE, ADMINISTER,] dispense, or possess with intent to manu-
2 facture, distribute, or dispense a controlled substance [GIVE, BARTER,
3 SUPPLY OR DISTRIBUTE IN ANY MANNER, A DEPRESSANT, HALLUCINOGENIC OR
4 STIMULANT DRUG].

5 * Sec. 3. AS 17.12.010 is amended by adding new subsections to read:

6 (b) No person may obtain, attempt to obtain, procure, or attempt
7 to procure, a controlled substance by

- 8 (1) fraud, deceit, misrepresentation, or subterfuge;
9 (2) forgery or alteration of a prescription or written order;
10 (3) concealment of a material fact; or
11 (4) use of a false name or giving of a false address.

12 (c) No person may wilfully make a false statement in a prescrip-
13 tion, order, report, or record required by this chapter.

14 (d) No person may, for the purpose of obtaining a controlled sub-
15 stance, falsely assume the title of, or represent himself to be, a
16 manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian,
17 or other authorized person.

18 (e) No person may make or utter a false or forged prescription or
19 false or forged written order.

20 (f) No person may affix a false or forged label to a package or
21 receptacle containing a controlled substance.

22 * Sec. 4. AS 17.12 is amended by adding a new section to read:

23 Sec. 17.12.015. CONTINUING CRIMINAL ENTERPRISE. (a) No person
24 may engage in a continuing criminal enterprise. Upon conviction, a
25 person who engages in a continuing criminal enterprise shall be sentenced

26 (1) for the first offense, to all of the following:

27 (A) a term of imprisonment of no less than 10 years and
28 no more than life;

29 (B) a fine of no more than \$100,000; and

1 (C) the forfeiture prescribed in (b) of this section;
2 (2) for the second and subsequent offenses, to all of the
3 following:

4 (A) a term of imprisonment of no less than 20 years and
5 no more than life;

6 (B) a fine of no more than \$200,000; and

7 (C) the forfeiture prescribed in (b) of this section.

8 (b) A person who is convicted of engaging in a continuing criminal
9 enterprise shall forfeit to the state

10 (1) the profits obtained by him in that enterprise; and

11 (2) any of his interest in, claim against, or property or
12 contractual rights of any kind affording a source of influence over that
13 enterprise.

14 (c) The imposition or execution of a sentence required to be im-
15 posed under this section may not be suspended and probation or parole
16 may not be granted until the minimum term of imprisonment specified in
17 this section has been served. AS 12.55.080 and 12.55.085 are inappli-
18 cable to the extent that they are inconsistent with this subsection.

19 (d) For purposes of this section, a person is engaged in a con-
20 tinuing criminal enterprise if

21 (1) he commits a violation of this chapter which is punish-
22 able as a felony; and

23 (2) that violation is a part of a continuing series of viola-
24 tions of this chapter

25 (A) which he undertakes in concert with five or more
26 other persons with respect to whom he occupies a position of orga-
27 nizer, a supervisory position, or any other position of management;
28 and

29 (B) from which he obtains substantial income or re-

1 sources.

2 * Sec. 5. AS 17.12.020 is amended to read:

3 Sec. 17.12.020. AUTHORIZED POSSESSION. A person may lawfully
4 possess a controlled substance [DEPRESSANT, HALLUCINOGENIC OR STIMULANT
5 DRUG] that has been lawfully prescribed, sold, or dispensed by a practi-
6 tioner if the controlled substance is [DRUGS ARE]

7 (1) for use by the person in possession or a member of his
8 household; or

9 (2) for administration to an animal owned by him or a member
10 of his household [; OR

11 (3) DESIGNATED BY THE COMMISSIONER FOR USE IN LABORATORIES OR
12 INSTITUTIONS FOR EDUCATIONAL OR TEACHING RESEARCH, OR FOR CHEMICAL
13 ANALYSIS; SUCH A LABORATORY OR INSTITUTION MUST FIRST OBTAIN A PERMIT
14 FROM THE COMMISSIONER WHICH SHALL SPECIFY THE DRUGS, THE POSSESSION OF
15 WHICH IS ALLOWED, DELINEATE AND RESTRICT THEIR USE OR DISPOSAL, IDENTIFY
16 THE PERMITTEE AND PROMULGATE THE RULES AND REGULATIONS CONSIDERED NECES-
17 SARY TO FULFILL THE REQUIREMENTS OF THIS CHAPTER].

18 * Sec. 6. AS 17.12.030 is repealed and re-enacted to read:

19 Sec. 17.12.030. LEGITIMATE INDUSTRY. A controlled substance may
20 be manufactured, distributed, possessed, or dispensed by a practitioner
21 acting in the ordinary and authorized course of his business under
22 federal registration if evidence of that federal registration is filed
23 with the department.

24 * Sec. 7. AS 17.12.050 is amended to read:

25 Sec. 17.12.050. RECORDS. A practitioner [PERSON] engaged in
26 manufacturing, distributing, or dispensing a controlled substance [COM-
27 POUNDING, PROCESSING, SELLING, DELIVERING OR OTHERWISE DISPOSING OF A
28 DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUG] shall, upon the effective
29 date of this chapter, prepare a complete and accurate record of all

1 stocks of each drug on hand and shall keep the record for three years.
2 If this record has already been prepared in accordance with federal law,
3 no additional record is required if all of these records have been
4 retained and are made available to the department upon request. A
5 practitioner [ON AND AFTER AUGUST 4, 1968, A PERSON] manufacturing,
6 distributing, dispensing, or possessing a controlled substance [COM-
7 POUNDING, OR PROCESSING A DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUG]
8 shall prepare and keep, for not less than three years, a complete and
9 accurate record of the kind and quantity of each controlled substance
10 [DRUG] manufactured, distributed, dispensed, or possessed, [COMPOUNDED,
11 OR PROCESSED AND] the date of the manufacture, distribution, dispensing,
12 or receipt, the name and address of the person from whom the controlled
13 substance was received, and the name and address of the person to whom
14 the controlled substance was distributed or dispensed [COMPOUNDED, OR
15 PROCESSING. A PERSON SELLING, DELIVERING, OR OTHERWISE DISPOSING OF A
16 DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUG SHALL PREPARE OR OBTAIN,
17 AND KEEP FOR NOT LESS THAN THREE YEARS, A COMPLETE AND ACCURATE RECORD
18 OF THE KIND AND QUANTITY OF EACH DRUG RECEIVED, SOLD, DELIVERED, OR
19 OTHERWISE DISPOSED OF, THE NAME AND ADDRESS FROM WHOM IT WAS RECEIVED
20 AND TO WHOM IT WAS SOLD, DELIVERED, OR OTHERWISE DISPOSED OF, AND THE
21 DATE OF THE TRANSACTION].

22 * Sec. 8. AS 17.12.060(a) and (b) are amended to read:

23 (a) A person required by sec. 50 of this chapter to prepare or
24 obtain and keep records, [AND] a carrier maintaining records with re-
25 spect to a shipment containing a controlled substance [DEPRESSANT,
26 HALLUCINOGENIC OR STIMULANT DRUG], and a person in charge or having
27 custody of the records [,] shall, upon request of an officer or employee
28 designated by the commissioner, permit the officer or employee at rea-
29 sonable times to have access to and copy the records. For the purposes

1 of verification of the records and of the enforcement of this chapter,
2 officers or employees designated by the commissioner are authorized to
3 enter, at reasonable times, a factory, warehouse, establishment, or
4 vehicle in which a controlled substance [DEPRESSANT, HALLUCINOGENIC OR
5 STIMULANT DRUG] is manufactured, compounded, processed, stored, sold,
6 delivered, dispensed, or otherwise disposed of and to inspect, within
7 reasonable limits and in a reasonable manner, the factory, warehouse,
8 establishment, or vehicle, and all pertinent equipment, finished and
9 unfinished material, containers and labeling and to inventory the stock
10 of these controlled substances [DRUGS] and obtain samples of each con-
11 trolled substance [THESE DRUGS].

12 (b) No inspection authorized by (a) of this section extends to (1)
13 financial data, (2) sales data other than shipment data, (3) pricing
14 data, (4) personnel data, or (5) research data unless those data are not
15 kept in separate books and records.

16 * Sec. 9. AS 17.12 is amended by adding a new section to read:

17 Sec. 17.12.065. SEARCH WARRANTS. (a) A search warrant relating
18 to an offense involving a controlled substance may be served at any time
19 of the day or night if the judge issuing the warrant is satisfied that
20 there is probable cause to believe that grounds exist for the warrant
21 and for its service at that time.

22 (b) An officer authorized to execute a search warrant relating to
23 an offense involving a controlled substance for which a penalty of
24 imprisonment for more than one year is authorized may, without notice of
25 his authority and purpose, break open an outer or inner door or window
26 of a building, any part of a building, or anything in a building if the
27 judge issuing the warrant

28 (1) is satisfied that there is probable cause to believe that
29 (A) property sought may, and if notice is given will, be

1 easily and quickly destroyed or disposed of; or

2 (B) the giving of notice will immediately endanger the
3 life or safety of the executing officer or another person; and

4 (2) has included in the warrant a direction that the officer
5 executing it is not required to give notice of his authority and purpose
6 before entering the premises.

7 (c) An officer acting under a warrant issued under (b) of this
8 section shall, as soon as practicable after entering the premises,
9 identify himself and give the reasons and authority for his entrance
10 upon the premises.

11 * Sec. 10. AS 17.12.070 is amended to read:

12 Sec. 17.12.070. PRESCRIPTION REFILL. (a) The substances de-
13 scribed as class A in sec. 105(b) of this chapter may not be dispensed
14 on oral prescription, and written prescriptions for these substances may
15 not be refilled.

16 (b) In regard to controlled substances other than those referred
17 to in (a) of this section, no [NO] prescription for a controlled sub-
18 stance [DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUG] may be filled or
19 refilled more than six months after the date on which the prescription
20 was issued and no prescription which is authorized to be refilled may be
21 refilled more than five times. Except where specifically prohibited,
22 [NOTHING IN THIS CHAPTER PREVENTS] a practitioner may issue [FROM ISSU-
23 ING] a new prescription for the same controlled substance [DRUG] either
24 in writing or orally. An oral prescription for the controlled substance
25 [DRUG] shall be promptly reduced to writing on a new prescription blank
26 and filed by the pharmacist filling it and retained for the period
27 prescribed in sec. 50 of this chapter. An oral prescription may not be
28 refilled unless authorized by the prescriber.

29 * Sec. 11. AS 17.12.070 is amended by adding new subsections to read:

1 (c) A pharmacist may, in good faith, sell and dispense a con-
2 trolled substance to any person upon a written prescription of a physi-
3 cian, dentist, or veterinarian if the prescriber is licensed to practice
4 in this state and the prescription is dated and signed by the prescriber
5 on the day when issued, bears the name and address of the patient for
6 whom, or the owner of the animal for which, the controlled substance is
7 dispensed, and bears the full name, address and federal registry number
8 of the person prescribing the controlled substance. If the prescription
9 is for an animal, it shall state the species of animal for which the
10 controlled substance is prescribed.

11 (d) The person filling the prescription shall write the date of
12 filling and his own signature on the face of the prescription. The
13 prescription shall be retained on file by the proprietor of the pharmacy
14 in which it is filled for a period of three years so as to be readily
15 accessible for inspection by any public officer or employee engaged in
16 the enforcement of this chapter.

17 (e) The legal owner of stock of controlled substances in a phar-
18 macy, upon discontinuance of dealing or dispensing those substances, may
19 sell the stock to a manufacturer, wholesaler, or other pharmacy, but
20 only on an official written order.

21 * Sec. 12. AS 17.12.080 is amended to read:

22 Sec. 17.12.080. PERSONS EXEMPTED. The provisions of this chapter
23 restricting the possession [POSSESSING AND CONTROL] of a controlled
24 substance [DEPRESSANT, HALLUCINOGENIC AND STIMULANT DRUGS] do not apply
25 to

26 (1) a common carrier or to a warehouseman, while engaged in
27 lawfully transporting or storing a controlled substance for a practi-
28 tioner or public officer or agent in performance of his official duties
29 or other person authorized by federal registration to manufacture, dis-

1 tribute, dispense, or possess controlled substances [THESE DRUGS];

2 (2) an employee of a common carrier or warehouseman while acting
3 within the scope of his employment in lawfully transporting or storing a
4 controlled substance for a practitioner or public officer or agent in
5 performance of his official duties or other person authorized by federal
6 registration to manufacture, distribute, dispense, or possess controlled
7 substances [THESE DRUGS];

8 (3) a public officer or his employee in the performance of
9 his official duties requiring possession or control of a controlled
10 substance [THESE DRUGS];

11 (4) temporary, incidental possession by an employee or agent
12 of a person lawfully entitled to possession; or

13 (5) temporary, incidental possession by a person whose pos-
14 session is for the purpose of aiding a public officer in performing his
15 official duties.

16 * Sec. 13. AS 17.12.090 is amended to read:

17 Sec. 17.12.090. EXEMPTED DRUGS. A controlled substance the manu-
18 facture, distribution, dispensing, or possession of which is [DEPRES-
19 SANT, HALLUCINOGENIC OR STIMULANT DRUGS] exempted from criminal penalty
20 under federal law is [OR UNDER REGULATIONS PROMULGATED BY THE COMMIS-
21 SIONER ARE] exempted from the application of this chapter. This exemp-
22 tion includes any substances which may, under the federal Food, Drug,
23 and Cosmetic Act (21 U.S.C. sec. 301 et seq.) be lawfully sold over the
24 counter without a prescription.

25 * Sec. 14. AS 17.12.100 is repealed and re-enacted to read:

26 Sec. 17.12.100. BURDEN OF PROOF AND LIABILITIES. (a) It is not
27 necessary for the state to negate an exemption or exception in this
28 chapter in a complaint, information, indictment, or other pleading or in
29 a trial, hearing, or other proceeding under this chapter. The burden of

1 proof of an exemption is upon the person claiming it.

2 (b) In the absence of proof that a person is an authorized holder
3 of an appropriate federal registration or order form filed with the
4 department, it is presumed that that person is not the holder of the
5 registration or form, and the burden of proof is upon that person to
6 rebut the presumption.

7 (c) All authorized peace officers, while investigating violations
8 under this chapter in the performance of their official duties, and any
9 person working under their immediate direction, supervision, and in-
10 struction are immune from prosecution under this chapter.

11 (d) Information communicated to a physician in an effort to unlaw-
12 fully procure a controlled substance is not a privileged communication.

13 * Sec. 15. AS 17.12 is amended by adding a new section to read:

14 Sec. 17.12.105. CLASSIFICATION OF CONTROLLED SUBSTANCES. (a)
15 Except as otherwise provided, controlled substances are divided into the
16 following five classes for penalty purposes: class A, class B, class C,
17 class D, and class E.

18 (b) Unless specifically excepted or unless listed in another
19 classification within this section, class A controlled substances in-
20 clude any material compound which contains any quantity of a substance
21 listed in this subsection, including its salts, isomers, (whether opti-
22 cal, position, or geometric), and the salts of those isomers whenever
23 the existence of those salts, isomers, or salts of isomers is possible
24 within the specified chemical designation, regardless of whether the
25 listed substance is produced directly or indirectly by extraction from
26 substances of vegetable origin or independently by means of chemical
27 synthesis or by a combination of extraction and chemical synthesis:

28 (1) opium and opiate, and any salt, compound, derivative, or
29 preparation of opium or opiate, excluding apomorphine, dextrorphan,

1 nalbuphine, naloxone, and naltrexone, and their respective salts, but
2 including the following:

- 3 (A) raw opium;
- 4 (B) opium extracts;
- 5 (C) opium fluid extracts;
- 6 (D) powdered opium;
- 7 (E) granulated opium;
- 8 (F) tincture of opium;
- 9 (G) codeine;
- 10 (H) ethlmorphine;
- 11 (I) etorphine hydrochloride;
- 12 (J) hydrocodone;
- 13 (K) hydromorphine;
- 14 (L) metopon;
- 15 (M) morphine;
- 16 (N) oxycodone;
- 17 (O) oxymorphone;
- 18 (P) thebane;

19 (2) any salt, compound, derivative, or preparation of these
20 which is chemically equivalent or identical with any of the substances
21 referred to in (1) of this subsection, except that these substances do
22 not include the isoquinoline alkaloids of opium;

23 (3) opium poppy and poppy straw;

24 (4) coca leaves and any salt, compound, derivative, or pre-
25 paration of coca leaves, and any salt, compound, derivative, or prepara-
26 tion of these which is chemically equivalent or identical with any of
27 these substances, except that the substances do not include decocainized
28 coca leaves or extraction of coca leaves, which extractions do not con-
29 tain cocaine or ecgonine;

- 1 (5) acetylmethadol;
- 2 (6) allylprodine;
- 3 (7) alphacetylmethadol;
- 4 (8) alphameprodine;
- 5 (9) alphamethadol;
- 6 (10) benzethidine;
- 7 (11) betacetylmethadol;
- 8 (12) betameprodine;
- 9 (13) betamethadol;
- 10 (14) betaprodine;
- 11 (15) clonitazene;
- 12 (16) dextromoramide;
- 13 (17) diampromide;
- 14 (18) diethylthiambutene;
- 15 (19) difenoxin;
- 16 (20) dimenoxadol;
- 17 (21) dimepheptanol;
- 18 (22) dimethylthiambutene;
- 19 (23) dioxaphetyl butyrate;
- 20 (24) dipipanone;
- 21 (25) ethylmethylthiambutene;
- 22 (26) etonitazene;
- 23 (27) etoxeridine;
- 24 (28) furethidine;
- 25 (29) hydroxypethidine;
- 26 (30) ketobemidone;
- 27 (31) levomoramide;
- 28 (32) levophenacylmorphane;
- 29 (33) morpheridine;

- 1 (34) noracymethadol;
- 2 (35) norleyorphanol;
- 3 (36) normethadone;
- 4 (37) norpipanone;
- 5 (38) phenadoxone;
- 6 (39) phenampromide;
- 7 (40) phenomorphan;
- 8 (41) phenoperidine;
- 9 (42) piritramide;
- 10 (43) proheptazine;
- 11 (44) properidine;
- 12 (45) propiram;
- 13 (46) racemoramide;
- 14 (47) trimeperidine;
- 15 (48) acetorphine;
- 16 (49) acetyldihydrocodeine;
- 17 (50) benzylmorphine;
- 18 (51) codeine methylbromide;
- 19 (52) codeine-N-oxide;
- 20 (53) cyprenorphine;
- 21 (54) desomorphine;
- 22 (55) dihydromorphine;
- 23 (56) drotebanol;
- 24 (57) etorphine (except hydrochloride salt);
- 25 (58) heroin;
- 26 (59) hydromorphinol;
- 27 (60) methyldesorphine;
- 28 (61) methyldihydromorphine;
- 29 (62) morphine methylbromide;

- 1 (63) morphine methylsulfonate;
2 (64) morphine-N-oxide;
3 (65) myrophine;
4 (66) nicocodeine;
5 (67) nicomorphine;
6 (68) normorphine;
7 (69) pholcodeine;
8 (70) thebacon;
9 (71) alphaprodine;
10 (72) anileridine;
11 (73) bezitramide;
12 (74) dihydrocodeine;
13 (75) diphenoxylate;
14 (76) fentanyl;
15 (77) isomethadone;
16 (78) levomethorphan;
17 (79) levorphanol;
18 (80) metazocine;
19 (81) methadone;
20 (82) methadone-intermediate, 4-cyano-2-dimethylamino-4,
21 4-diphenyl butane;
22 (83) moramide-intermediate, 2-methyl-3-morpholino-1,
23 1-diphenylpropane-carboxylic acid;
24 (84) pethidine (meperidine);
25 (85) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperi-
26 dine;
27 (86) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
28 carboxylate;
29 (87) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-

1 carboxylic acid;

2 (88) phenazocine;

3 (89) piminodine;

4 (90) racemethorphan;

5 (91) racemorphan.

6 (c) Unless specifically excepted or unless listed in another
7 classification within this section, class B controlled substances in-
8 clude any material compound which contains any quantity of a substance
9 listed in this subsection, including its salts, its isomers (whether
10 optical, position, or geometric), and the salts of its isomers whenever
11 the existence of those salts, isomers, or salts of isomers is possible
12 within the specified chemical designation, regardless of whether the
13 listed substance is produced directly or indirectly by extraction from
14 substances of vegetable origin or independently by means of chemical
15 synthesis or by a combination of extraction and chemical synthesis:

16 (1) 4-bromo-2,5-dimethoxy-amphetamine, also known as bromo-2,
17 5-dimethoxy-a-methylphenethylamine and 4-bromo-2,5-DMA;

18 (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-z-
19 methylphenethylamine and 2,5-DMA;

20 (3) 4-methoxyamphetamine, also known as 4-methoxy-a-
21 methylphenethylamine and peramethoxyamphetamine, PMA;

22 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;

23 (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-
24 methyl-2,5-dimethoxy-a-methylphenethylamine and "DOM" and "STP";

25 (6) 3,4-methylenedioxy amphetamine;

26 (7) 3,4,5-trimethoxy amphetamine;

27 (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-
28 hydroxyindole and 3-(2-dimethylaminoethyl)-5-indolol and N, N-
29 dimethylserotonin and 5-hydroxy-N,N-dimethyltryptamine and mappine;

- 1 (9) diethyltryptamine, also known as N,N-diethyltryptamine
2 and DET;
- 3 (10) dimethyltryptamine, also known as DMT;
- 4 (11) ibogaine, also known as 7-ethyl-6,6,8,7,8,9,10,12,13-
5 octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b]
6 indole and tabernanthe iboga;
- 7 (12) lysergic acid diethylamide;
- 8 (13) mescaline;
- 9 (14) peyote, meaning all parts of the plant presently classi-
10 fied botanically as Lophophora Williamsii Lemaire, whether growing or
11 not, the seeds of the plant, any extract from any part of the plant, and
12 every compound, manufacture, salts, derivative, mixture, or preparation
13 of the plant, its seeds, or extracts;
- 14 (15) N-ethyl-3-piperidyl benzilate;
- 15 (16) N-methyl-3-piperidyl benzilate;
- 16 (17) psilocybin;
- 17 (18) psilocyn;
- 18 (19) thiophene analog of phencyclidine, also known as: 1-
19 [1-(2-thienyl) cyclohexyl] piperidine and 2-thienyl analog of phencycli-
20 dine and TPCP;
- 21 (20) phencyclidine, also known as PCP;
- 22 (21) mecloqualone;
- 23 (22) amphetamine, its salts, optical isomers, and salts of its
24 optical isomers;
- 25 (23) methamphetamine, its salts, isomers, and salts of its
26 isomers;
- 27 (24) phenmetrazine and its salts;
- 28 (25) methylphenidate;
- 29 (26) methaqualone;

1 (27) amobarbital;

2 (28) secobarbital;

3 (29) pentobarbital;

4 (d) Unless specifically excepted or unless listed in another
5 classification within this section, class C controlled substances in-
6 clude any material compound which contains any quantity of a substance
7 listed in this subsection, including its salts, its isomers (whether
8 optical, position, or geometric), and the salts of its isomers whenever
9 the existence of those salts, isomers, or salts of isomers is possible
10 within the specified chemical designation, regardless of whether the
11 listed substance is produced directly or indirectly by extraction from
12 substances of vegetable origin or independently by means of chemical
13 synthesis or by a combination of extraction and chemical synthesis:

14 (1) benzphetamine;

15 (2) chlorphentermine;

16 (3) clortermine;

17 (4) mazindol;

18 (5) phendimetrazine;

19 (6) any compound, mixture, or preparation containing amobar-
20 bital, secobarbital, or pentobarbital or any salt of any of these sub-
21 stances combined with one or more other active medicinal ingredients
22 which are not listed in any classification in this section;

23 (7) any suppository dosage form containing amobarbital,
24 secobarbital, or pentobarbital or any salt of any of these substances
25 which are approved by the federal Food and Drug Administration for
26 marketing only as a suppository;

27 (8) any substance which contains any quantity or derivative
28 of barbituric acid or any salt of these;

29 (9) chlorhexadol;

1 (10) glutethimide;

2 (11) lysergic acid;

3 (12) lysergic acid amide;

4 (13) methyprylon;

5 (14) phencyclidine;

6 (15) sulfondiethylmethane;

7 (16) sulfonethylmethane;

8 (17) sulfonmethane;

9 (18) nalorphine;

10 (19) any material, compound, mixture, or preparation contain-
11 ing limited quantities of any of the following substances or any of
12 their salts:

13 (A) not more than 1.8 grams of codeine per 100 milli-
14 liters or not more than 90 milligrams per dosage unit, with an
15 equal or greater quantity of an isoquinoline alkaloid of opium;

16 (B) not more than 1.8 grams of codeine per 100 milli-
17 liters or not more than 90 milligrams per dosage unit, with one or
18 more active, nonnarcotic ingredients in recognized therapeutic
19 amounts;

20 (C) not more than 300 milligrams of dihydrocodeinone per
21 100 milliliters or not more than 15 milligrams per dosage unit,
22 with a fourfold or greater quantity of an isoquinoline alkaloid of
23 opium;

24 (D) not more than 300 milligrams of dihydrocodeinone per
25 100 milliliters or not more than 15 milligrams per dosage unit,
26 with one or more active nonnarcotic ingredients in recognized
27 therapeutic amounts;

28 (E) not more than 1.8 grams of dihydrocodeine per 100
29 milliliters or not more than 90 milligrams per dosage unit, with

1 one or more active nonnarcotic ingredients in recognized thera-
2 peutic amounts;

3 (F) not more than 300 milligrams of ethylmorphine per
4 100 milliliters or not more than 15 milligrams per dosage unit,
5 with one or more active, nonnarcotic ingredients in recognized
6 therapeutic amounts;

7 (G) not more than 500 milligrams of opium per 100 grams
8 or not more than 25 milligrams per dosage unit, with one or more
9 active, nonnarcotic ingredients in recognized therapeutic amounts;

10 (H) not more than 50 milligrams of morphine per 100
11 milliliters or per 100 grams, with one or more active, nonnarcotic
12 ingredients in recognized therapeutic amounts.

13 (e) Unless specifically excepted or unless listed in another
14 classification within this section, class D controlled substances in-
15 clude any material compound which contains any quantity of a substance
16 listed in this subsection, including its salts, its isomers (whether
17 optical, position, or geometric), and the salts of its isomers whenever
18 the existence of those salts, isomers, or salts of isomers is possible
19 within the specified chemical designation, regardless of whether the
20 listed substance is produced directly or indirectly by extraction from
21 substances of vegetable origin or independently by means of chemical
22 synthesis or by a combination of extraction and chemical synthesis:

- 23 (1) barbital;
24 (2) chloral betaine;
25 (3) chloral hydrate;
26 (4) chlordiazepoxide;
27 (5) clonazepam;
28 (6) clorazepate;
29 (7) diazepam;

- 1 (8) ethchlorvynol;
- 2 (9) ethinamate;
- 3 (10) flurazepam;
- 4 (11) mebutamate;
- 5 (12) meprobamate;
- 6 (13) methohexital;
- 7 (14) methylphenobarbital (mephobarbital);
- 8 (15) oxazepam;
- 9 (16) paraldehyde;
- 10 (17) petrichloral;
- 11 (18) phenobarbital;
- 12 (19) prazepam;
- 13 (20) fenfluramine;
- 14 (21) diethylpropion;
- 15 (22) phentermine;
- 16 (23) pemoline, including organometallic complexes and chelates
- 17 thereof;
- 18 (24) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
- 19 diphenyl-3-methyl-2-propionoxybutane).

20 (f) Unless specifically excepted or unless listed in another
21 classification within this section, class E controlled substances in-
22 clude any material compound which contains any quantity of a substance
23 listed in this subsection, including its salts, its isomers (whether
24 optical, position, or geometric), and the salts of its isomers whenever
25 the existence of those salts, isomers, or salts of isomers is possible
26 within the specified chemical designation, regardless of whether the
27 listed substance is produced directly or indirectly by extraction from
28 substances of vegetable origin or independently by means of chemical
29 synthesis or by a combination of extraction and chemical synthesis.

1 Class E controlled substances include the following controlled sub-
2 stances, otherwise listed in (b) of this section, when they are combined
3 in the following portions with one or more nonnarcotic active medicinal
4 ingredients in sufficient portion to confer upon the compound mixture
5 preparation valuable medicinal qualities other than those possessed by
6 the class A substance:

7 (1) not more than 200 milligrams of codeine per 100 milli-
8 liters or per 100 grams;

9 (2) not more than 100 milligrams of dihydrocodeine per 100
10 milliliters or per 100 grams;

11 (3) not more than 100 milligrams of ethylmorphine per 100
12 milliliters or per 100 grams;

13 (4) not more than 2.5 milligrams of diphenoxylate and not
14 less than 25 micrograms of atropine sulfate per dosage unit;

15 (5) not more than 100 milligrams of opium per 100 milliliters
16 or per 100 grams.

17 * Sec. 16. AS 17.12.110(a), (b), and (c) are amended to read:

18 (a) A person who violates a provision of this chapter relating to
19 the possession [OR CONTROL] of a controlled substance [DEPRESSANT,
20 HALLUCINOGENIC AND STIMULANT DRUGS,] other than a class A controlled
21 substance or marijuana, when his possession [OR CONTROL] is for his own
22 use, is guilty of a misdemeanor and upon conviction is punishable by
23 imprisonment for not more than one year, or by a fine of not more than
24 \$1,000, or by both.

25 (b) A person who violates a provision of this chapter [OTHER THAN
26 ONE MENTIONED IN (a) OF THIS SECTION, OR A PERSON WHO VIOLATES A PRO-
27 VISION OF THIS CHAPTER] relating to the manufacture, distribution, dis-
28 persing, or possession with intent to manufacture, distribute, or dis-
29 pense, of a class A controlled substance [OR CONTROL OF DEPRESSANT,

1 HALLUCINOGENIC AND STIMULANT DRUGS, WHEN HIS POSSESSION OR CONTROL IS
2 FOR THE PURPOSE OF SALE OR OTHER DISPOSAL TO ANOTHER PERSON,] is guilty
3 of a felony and upon conviction is punishable as follows:

4 (1) for the first offense, by imprisonment for not less than
5 two years nor more than 25 years, or by a fine of not more than \$20,000,
6 or by both;

7 (2) for the second and subsequent offenses, by imprisonment
8 for not less than four years nor more than [ANY TERM OF YEARS OR] life,
9 or by a fine of not more than \$25,000, or by both.

10 (c) A person 19 years of age or older who violates a provision of
11 this chapter by distributing or dispensing a controlled substance [SELL-
12 ING OR OTHERWISE DISPOSING OF A DEPRESSANT, HALLUCINOGENIC OR STIMULANT
13 DRUG] to a person less than 19 years of age is guilty of a felony and
14 upon conviction is punishable by imprisonment for any term of years or
15 life, or by a fine of not more than \$25,000, or by both.

16 * Sec. 17. AS 17.12.110 is amended by adding new subsections to read:

17 (g) A person who violates a provision of this chapter by posses-
18 sion of a class A controlled substance when his possession is for his
19 own use is guilty of a felony and upon conviction is punishable by
20 imprisonment for not more than five years, or by a fine of not more than
21 \$5,000, or by both.

22 (h) A person who violates a provision of this chapter relating to
23 the manufacture, distribution, dispensing, or possession with intent to
24 manufacture, distribute, or dispense, of a class B controlled substance
25 is guilty of a felony and upon conviction is punishable as follows:

26 (1) for the first offense, by imprisonment for not more than
27 15 years, or by a fine of not more than \$15,000, or by both;

28 (2) for the second and subsequent offenses, by imprisonment
29 for not more than 30 years, or by a fine of not more than \$30,000, or by

1 both.

2 (i) A person who violates a provision of this chapter relating to
3 the manufacture, distribution, dispensing, or possession with intent to
4 manufacture, distribute, or dispense, of a class C controlled substance
5 is guilty of a felony and, upon conviction, is punishable as follows:

6 (1) for the first offense, by imprisonment for not more than
7 10 years, or by a fine of not more than \$10,000, or by both;

8 (2) for the second and subsequent offenses, by imprisonment
9 for not more than 20 years, or by a fine of not more than \$20,000, or by
10 both.

11 (j) A person who violates a provision of this chapter relating to
12 the manufacture, distribution, dispensing, or possession with intent to
13 manufacture, distribute, or dispense, of a class D controlled substance
14 is guilty of a felony and, upon conviction, is punishable as follows:

15 (1) for the first offense, by imprisonment for not more than
16 five years, or by a fine of not more than \$5,000, or by both;

17 (2) for the second and subsequent offenses, by imprisonment
18 for not more than 10 years, or by a fine of not more than \$10,000, or by
19 both.

20 (k) A person who violates a provision of this chapter relating to
21 the manufacture, distribution, dispensing, or possession with intent to
22 manufacture, distribute, or dispense, of a class E controlled substance
23 is guilty of a felony and, upon conviction, is punishable as follows:

24 (1) for the first offense, by imprisonment for not more than
25 two years, or by a fine of not more than \$2,000, or by both;

26 (2) for the second and subsequent offenses, by imprisonment
27 for not more than four years, or by a fine of not more than \$4,000, or
28 by both.

29 (l) A person who violates (b), (c), (d), (e), or (f) of

1 sec. 10 of this chapter is guilty of a felony and upon conviction is
2 punishable by imprisonment for not more than five years, or by a fine of
3 not more than \$10,000, or by both.

4 (m) A person who violates any provision of this chapter, the
5 penalty for which is not provided in (a) - (l) of this section or in
6 sec. 15 of this chapter is subject to a civil penalty of not more than
7 \$25,000 unless the violation was committed intentionally, in which case
8 the person is guilty of a misdemeanor and upon conviction is punishable
9 by imprisonment for not more than one year, or by a fine of not more
10 than \$25,000, or by both.

11 (n) The imposition or execution of a sentence required to be im-
12 posed under this section may not be suspended and probation or parole
13 may not be granted until the minimum term of imprisonment specified in
14 this section has been served. AS 12.55.080 and 12.55.085 are inappli-
15 cable to the extent that they are inconsistent with this subsection.

16 * Sec. 18. AS 17.12 is amended by adding a new section to read:

17 Sec. 17.12.125. INFORMATION ON SENTENCING. No limitation may be
18 placed on the information concerning the background, character, or con-
19 duct of a person convicted of an offense which a court may receive and
20 consider for the purpose of imposing an appropriate sentence under this
21 chapter.

22 * Sec. 19. AS 17.12.130 is repealed and re-enacted to read:

23 Sec. 17.12.130. FORFEITURE. (a) The following are subject to
24 forfeiture to the state and no property rights exist in them:

25 (1) any controlled substance which has been manufactured,
26 distributed, dispensed, or acquired other than as provided in secs. 20,
27 30, and 80 of this chapter;

28 (2) any raw material, product, or equipment of any kind which
29 is used, has been used, or is intended for use in manufacturing, com-

1 pounding, processing, or delivering a controlled substance by someone
2 other than one authorized under this chapter;

3 (3) any property which is used, has been used, or is intended
4 for use as a container for property and described in (1) or (2) of this
5 subsection;

6 (4) any conveyance, including but not limited to aircraft,
7 vehicle, or vessel, which has been used, is used, or is intended for use
8 to transport or in any manner facilitate transportation of property
9 described in (1) or (2) of this subsection; however,

10 (A) no conveyance is subject to forfeiture under this
11 section if the owner of the conveyance shows that its use and vio-
12 lation of this chapter was committed by another person while that
13 person was in unlawful possession of the conveyance without the
14 owner's permission or acquiescence;

15 (B) forfeiture of a conveyance encumbered by a bona fide
16 security interest at the time of seizure is subject to the interest
17 of the secured party if the secured party shows that the conveyance
18 used in violation of this chapter was committed by another person
19 and that the secured party neither consented nor was privy to the
20 violation;

21 (5) any book, record, or research product and material,
22 including formulas, microfilm, tapes, and data which are used, have been
23 used, or are intended for use in violation of this chapter;

24 (6) any money or negotiable instrument derived from any
25 activity prohibited by this chapter;

26 (7) any firearm used during or in furtherance of a violation
27 of this chapter.

28 (b) Property listed in (a) of this section may be forfeited to the
29 state upon conviction of a violation of this chapter of a person who

1 possessed or owned the property at the time of the violation or upon
2 judgment of a court of competent jurisdiction in a civil proceeding in
3 rem that an item meets the criteria of (a) of this section.

4 (c) Property subject to forfeiture under this section may be
5 seized by a peace officer upon filing of a verified civil complaint in
6 rem against the property upon receipt of which the clerk of the court
7 shall immediately issue a warrant for the arrest of the specified pro-
8 perty. Seizure without such a warrant may be made if

9 (1) the seizure is incident to an arrest or a search under an
10 administrative inspection warrant;

11 (2) the property subject to seizure has been the subject of a
12 prior judgment in favor of the state in a criminal proceeding or a civil
13 proceeding in rem based upon this chapter;

14 (3) there is probable cause to believe the property is either
15 directly or indirectly dangerous to health or safety; or

16 (4) there is probable cause to believe that the property has
17 been or is intended to be used in violation of this chapter.

18 (d) Upon service or publication of notice of commencement of an
19 action under this section, a person claiming interest in the property
20 shall file within 20 days from the publication or service, or such
21 additional time as granted by the court, a notice of claim setting out
22 the nature of his interest, the date it was acquired, the consideration
23 paid, and an answer to the state's allegations. If no claim and answer
24 is filed within the time specified, the property described in the
25 state's allegation shall be ordered forfeited to the state without
26 further proceedings or showings.

27 (e) Questions of fact or law raised by a notice of claim and
28 answer of any claimant in an action commenced under this section shall
29 be determined by the court sitting without a jury. Such a proceeding

1 may, in the court's discretion, be held in abeyance until conclusion of
2 any pending criminal charges under this chapter against the claimant.

3 (f) Property taken or obtained under this section is not replevi-
4 able, and shall remain in the custody of the state subject only to the
5 orders and decrees of the court or other official having jurisdiction
6 over the property. If property is seized under this chapter, the De-
7 partment of Public Safety may

8 (1) place the property under seal; or

9 (2) remove the property to a place considered by the Depart-
10 ment of Public Safety to be more convenient or safe for its storage.

11 (g) When property is forfeited under this section, the Department
12 of Public Safety may

13 (1) retain it for official use;

14 (2) sell that which is not required to be destroyed by law
15 and which is not harmful to the public and use the proceeds to pay all
16 proper expenses of the forfeiture and sale proceedings, including expen-
17 ses of seizure, maintenance of custody, advertising and court costs and
18 transmit the remainder to the general fund of the state;

19 (3) destroy property harmful to the public;

20 (4) take custody of the property and remove it for disposi-
21 tion in accordance with law; or

22 (5) forward it to the federal Drug Enforcement Administration
23 for disposition.

24 (h) Any controlled substance manufactured, distributed, or pos-
25 sessed other than as provided in secs. 20, 30, and 80 of this chapter is
26 contraband and shall be seized and summarily forfeited to the state.

27 (i) Any plant from which a controlled substance may be derived and
28 which is wild growth or not sanctioned by a federal registration on file
29 with the department may be seized and summarily forfeited to the state.

1 (j) For purposes of this section, any money or negotiable security
2 in excess of \$200 found on a defendant at the time of an arrest for a
3 violation of this chapter and any money or negotiable instrument in
4 excess of \$200 found during the course of a search incident to an arrest
5 or under a warrant in regard to provisions of this chapter is presumed
6 to have been derived from an activity prohibited by this chapter. The
7 burden of proof is upon the claimant of the money or negotiable instru-
8 ment to rebut this presumption.

9 (k) In a proceeding brought for the forfeiture of a conveyance
10 under this section where the property is claimed by any person, the
11 burden of proof shall shift to the claimant upon the establishment by
12 the state to the satisfaction of the court that probable cause exists
13 for the institution of the forfeiture proceedings.

14 (l) Any firearm found on a defendant at the time of an arrest for
15 a violation of this chapter or any firearm found during the course of a
16 search incident to an arrest or under a warrant in regard to the pro-
17 visions of this chapter is presumed to have been used during or in
18 furtherance of a violation of this section. The burden of proof is upon
19 the claimant of the firearm to rebut this presumption.

20 * Sec. 20. AS 17.12 is amended by adding a new section to read:

21 Sec. 17.12.135. ENFORCEMENT COOPERATION. It is the duty of the
22 commissioner of public safety, officers of the division of state
23 troopers, officers appointed to enforce criminal law in this state or
24 another state, local government law enforcement officers, the attorney
25 general, and all prosecuting attorneys to enforce all provisions of this
26 chapter and to cooperate with agencies charged with enforcement of the
27 laws of the United States, of this state, and of all other states,
28 relating to controlled substances.

29 * Sec. 21. AS 17.12.150 is repealed and re-enacted to read:

1 Sec. 17.12.150. DEFINITIONS. In this chapter, unless the context
2 requires otherwise,

3 (1) "commissioner" means the commissioner of health and
4 social services;

5 (2) "controlled substance" means a drug, substance, or
6 immediate precursor included within any of the classifications of sec.
7 105 of this chapter, and marijuana;

8 (3) "conveyance" means a vessel, vehicle, trailer, aircraft,
9 or other mode of transportation used to transport an illegally possessed
10 controlled substance;

11 (4) "counterfeit substance" means a controlled substance
12 which, or the container or labeling of which, without authorization,
13 bears the trademark, trade name, or other identifying mark, imprint,
14 number, or device, or any likeness to it, of a manufacturer, distri-
15 butor, or dispenser other than the person who in fact manufactured,
16 distributed, or dispensed the substance;

17 (5) "deliver" or "delivery" means the actual, constructive,
18 or attempted transfer from one person to another of a controlled sub-
19 stance, whether or not there is an agency relationship;

20 (6) "dentist" means a person authorized by law to practice
21 dentistry in this state;

22 (7) "dispense" means to deliver a controlled substance to an
23 ultimate user or research subject by or in accordance with the lawful
24 order of a practitioner, including the prescribing, administering,
25 packaging, labeling, or compounding necessary to prepare the substance
26 for that delivery;

27 (8) "distribute" means to deliver, other than by administer-
28 ing or dispensing, a controlled substance;

29 (9) "drug"

1 (A) means

2 (i) substances recognized as drugs in the official
3 United States Pharmacopoeia, official Homeopathic Pharma-
4 copoeia of the United States, or official National Formulary,
5 or any supplement to any of them;

6 (ii) substances intended for use in the diagnosis,
7 cure, mitigation, treatment, or prevention of disease in
8 humans or animals;

9 (iii) substances, other than food, intended to affect
10 the structure or any function of the body of humans or ani-
11 mals; and

12 (iv) substances intended for use as a component of
13 any article specified in (i), (ii), or (iii) of this subpara-
14 graph;

15 (B) does not include devices or their components, parts,
16 or accessories;

17 (10) "hospital" means an institution for the care and treat-
18 ment of the sick and injured, approved by the Board of Pharmacy as
19 proper to be entrusted with the custody of controlled substances, under
20 the direction of a physician, dentist, or veterinarian;

21 (11) "immediate precursor" means the principal compound com-
22 monly used or produced primarily for use, and which is an immediate
23 chemical intermediary used or likely to be used in the manufacture of a
24 controlled substance, the control of which is necessary to prevent, cur-
25 tail, or limit manufacture of that controlled substance;

26 (12) "laboratory" means a laboratory approved by the Board of
27 Pharmacy as proper to be entrusted with the custody of controlled sub-
28 stances and the use of controlled substances for scientific and medical
29 purposes and for purposes of instruction;

1 (13) "manufacture"

2 (A) means the production, preparation, propagation,
3 compounding, or processing of a drug or other substance, either
4 directly or indirectly by extraction from substances of vegetable
5 origin or independently by means of chemical synthesis or by a
6 combination of extraction and chemical synthesis;

7 (B) includes any packaging or repackaging of a drug or
8 other substance or labeling or relabeling of its container; but

9 (C) does not include the preparation, compounding, pack-
10 aging, or labeling of a drug or other substance in conformity with
11 applicable state or local law by a practitioner as an incident to
12 his administration or dispensing of the drug or substance in the
13 course of his professional practice;

14 (14) "manufacturer" means a person who manufactures a drug or
15 other substance;

16 (15) "marijuana" means all parts of the plant Cannabis Sativa
17 L., whether growing or not, the seeds of that plant, the resin extracted
18 from any part of that plant, and every compound, manufacture, salt,
19 derivative, mixture, or preparation of that plant, its seeds, or its
20 resin; "marijuana" does not include the mature stalks of that plant,
21 fiber produced from mature stalks, oil or cake made from the seeds of
22 that plant, any other compound, manufacture, salt, derivative, mixture,
23 or preparation of mature stalks (except the resin extracted from them),
24 fiber, oil, or cake, or the sterilized seed of that plant which is
25 incapable of germination;

26 (16) "nonnarcotic substance" means a substance not listed as a
27 class A controlled substance under sec. 105 of this chapter;

28 (17) "official written order" means an order written on a form
29 provided for that purpose by the appropriate federal official under any

1 laws of the United States making provisions for such a form; if such
2 order forms are required by federal law and no order form is provided by
3 a federal officer, then on an official form provided for that purpose by
4 the Alaska Board of Pharmacy;

5 (18) "opiate" means a substance having an addiction-forming or
6 addiction-sustaining liability similar to morphine or being capable of
7 conversion into a drug having an addiction-forming or addiction-sus-
8 taining liability;

9 (19) "opium poppy" means the plant of any species of Papaver
10 containing the phenanthrine alkaloids of opium;

11 (20) "owner of conveyance" means the person having lawful de
12 facto control over a conveyance irrespective of who may be listed on its
13 official registration;

14 (21) "poppy straw" means all parts, except the seeds, of the
15 opium poppy, after mowing;

16 (22) "practitioner" means

17 (A) a physician, dentist, veterinarian, scientific
18 investigator, or other person licensed, registered, or otherwise
19 permitted to distribute, dispense, conduct research with respect
20 to, or administer a controlled substance in the course of profes-
21 sional practice or research in this state;

22 (B) a pharmacy, hospital, or other institution licensed,
23 registered, or otherwise permitted to distribute, dispense, conduct
24 research with respect to, or administer a controlled substance in
25 the course of professional practice or research in this state;

26 (23) "physician" means a person licensed to practice medicine
27 in this state;

28 (24) "production" means the manufacture, planting, cultiva-
29 tion, growing, or harvesting of a controlled substance;

1 (25) "ultimate user" means a person who lawfully possesses a
2 controlled substance for his own use or for the use of a member of his
3 household or for administering to an animal owned by him or by a member
4 of his household;

5 (26) "veterinarian" means a person authorized by law to prac-
6 tice veterinary medicine in this state;

7 (27) "wholesaler" means a person who supplies controlled sub-
8 stances that he himself has not produced or prepared, on official
9 written orders, but not on prescriptions.

10 * Sec. 22. AS 17.12 is amended by adding a new section to read:

11 Sec. 17.12.160. SHORT TITLE. This chapter may be cited as the
12 Controlled Substances Act.

13 * Sec. 23. AS 08.64.380(3)(B) is amended to read:

14 (B) habitual overuse of alcoholic beverages or controlled
15 substances [DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUGS,] as
16 defined in AS 17.12 [AS 17.12.150(3), OR ADDICTION TO THE USE OF
17 NARCOTIC DRUGS AS DEFINED IN AS 17.10.230(13)];

18 * Sec. 24. AS 08.80.260(2) is amended to read:

19 (2) selling, bartering, or making available a controlled
20 substance as defined in AS 17.12 [, MORPHINE, COCAINE OR OTHER NARCOTIC]
21 to a person addicted to the use of a controlled substance [DRUGS] except
22 upon prescription issued by a licensed physician;

23 * Sec. 25. AS 08.80.260(9) is amended to read:

24 (9) violation of regulations pertaining to the provision of
25 adequate security for controlled substances [DANGEROUS DRUGS].

26 * Sec. 26. AS 08.80.470 is amended to read:

27 Sec. 08.80.470. CONSTRUCTION. Nothing in this chapter amends,
28 modifies, repeals or otherwise changes any provision of the Controlled
29 Substances Act (AS 17.12) [UNIFORM NARCOTIC DRUG ACT (AS 17.10)] or the

1 Alaska Food, Drug and Cosmetic Act (AS 17.20).

2 * Sec. 27. (a) Prosecution for a violation of law occurring before the
3 effective date of this Act is not affected or abated by this Act. Violation
4 of any law repealed by this Act may still be prosecuted and brought to a
5 final determination in accordance with the laws and regulations in effect at
6 the time of the violation.

7 (b) Civil seizures or forfeitures and injunctive proceedings commenced
8 before the effective date of this Act are not affected by this Act.

9 (c) All administrative proceedings pending under prior laws which are
10 superseded by this Act shall be continued and brought to a final determina-
11 tion in accordance with the laws and regulations in effect before the effec-
12 tive date of this Act.

13 (d) This Act applies to violations of law, seizures and forfeitures,
14 injunctive proceedings, administrative proceedings, and investigations which
15 occur on or after the effective date of this Act.

16 * Sec. 28. Orders issued and regulations adopted under a law affected by
17 this Act and in effect on the effective date of this Act and not in conflict
18 with this Act continue in effect until modified, superseded, or repealed.

19 * Sec. 29. The following laws are repealed: AS 11.60.100 - 11.60.130; AS
20 17.10; AS 17.12,040(b) and (c), 17.12.060(c), 17.12.120; and AS 17.15.

21 * Sec. 30. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).