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Offered: 4/1/80
Referred: Judiciary

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 479

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act revising the drug laws of the state; and provid-
7 ing for an effective date."

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 17. CONTROLLED SUBSTANCES ACT.

11 ARTICLE 1. STANDARDS AND PROCEDURES.

12 Sec. 17.17.010. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)

13 There is created within the Department of Law the Controlled Substances
14 Advisory Committee, composed of

15 (1) the attorney general or his designee;

16 (2) the commissioner of health and social services or his
17 designee;

18 (3) the commissioner of public safety or his designee;

19 (4) a pharmacist appointed by the governor;

20 (5) an attorney appointed by the governor;

21 (6) a physician appointed by the governor;

22 (7) a psychiatrist appointed by the governor;

23 (8) a member of the general public appointed by the governor.

24 (b) The attorney general, the commissioner of health and social
25 services, and the commissioner of public safety serve ex officio and are
26 nonvoting members of the committee. The members appointed by the gover-
27 nor serve terms of four years and until their successors are appointed
28 and qualify, except that the attorney initially appointed under (a)(5)
29 of this section serves a term of three years and until his successor is

1 appointed and qualifies.

2 (c) The members receive no compensation for their service on the
3 committee but are entitled to travel expenses and per diem under AS 39.-
4 20.180.

5 (d) The committee shall meet at the call of the attorney general.
6 Three voting members constitute a quorum. The committee may adopt
7 bylaws for its proceedings.

8 Sec. 17.17.020. RESPONSIBILITY OF ADVISORY COMMITTEE. (a) The
9 committee may recommend to the legislature the addition or deletion of
10 substances to the schedules in AS 17.17.040 - 17.17.090. In making a
11 recommendation regarding the addition or deletion of a substance, the
12 committee shall assess the danger or probable danger of the substance by
13 considering the following:

14 (1) the actual or probable abuse of the substance, including
15 (A) its history and current pattern of abuse;
16 (B) the scope, duration, and significance of abuse; and
17 (C) the degree of actual or probable detriment which may
18 result from abuse of the substance;

19 (D) the probable physical and social impact of wide-
20 spread abuse of the substance;

21 (2) the biomedical hazard of the substance, including
22 (A) its pharmacology: the effects and modifiers of
23 effects of the substance;

24 (B) its toxicology: the acute and chronic toxicity,
25 interaction with other substances whether controlled or not, and
26 liability to psychological or physiological dependence;

27 (C) its risk to public health and the particular sus-
28 ceptibility of segments of the population;

29 (3) whether the substance is an immediate precursor of a

1 substance already controlled under this chapter;

2 (4) the current state of scientific knowledge regarding the
3 substance;

4 (5) the relationship between the use of the substance and
5 other criminal activity including

6 (A) whether persons engaged in illicit trafficking of
7 the substance are also engaged in other criminal activity;

8 (B) whether the nature and relative profitability of the
9 substance encourage illicit trafficking in the substance;

10 (C) whether the commission of other crimes is one of the
11 effects of the use of the substance;

12 (D) whether addiction to the substance relates to the
13 commission of crimes to support the continued use of the substance.

14 (b) The committee shall advise the governor and the legislature as
15 to the need to add or delete or reschedule substances in the schedules
16 in AS 17.17.040 - 17.17.090. In making recommendations regarding a sub-
17 stance, the committee shall assess the danger or probable danger of the
18 substance by considering the factors set out in (a) of this section.

19 (c) By the 30th day of each legislative session, the committee
20 shall prepare and present to the governor and the legislature a report
21 discussing the actions of the committee during the preceding year.

22 Sec. 17.17.030. NOMENCLATURE. The controlled substances listed in
23 the schedules in AS 17.17.040 - 17.17.090 are included by whatever
24 official, common, usual, chemical, or trade name designated. In some
25 instances, slang terms are listed after a controlled substance. In a
26 prosecution or other proceeding under this chapter, it is not a defense
27 and it is immaterial that a slang term is listed after more than one
28 controlled substance, that a slang term listed after a controlled sub-
29 stance is inaccurately applied to that controlled substance, that no

1 slang term is listed after a controlled substance, or that slang terms
2 other than those listed apply in fact to a controlled substance.

3 Sec. 17.17.040. SCHEDULE I. (a) A substance shall be placed in
4 Schedule I if it is found under AS 17.17.020 to have the highest degree
5 of danger or probable danger.

6 (b) Unless specifically excepted or unless listed in another
7 schedule, Schedule I controlled substances include any material compound
8 which contains any quantity of a substance listed in this subsection,
9 including its salts, its isomers, (whether optical, position, or geo-
10 metric), and the salts of its isomers whenever the existence of those
11 salts, isomers, or salts of isomers is possible within the specific
12 chemical designation, regardless of whether the listed substance is
13 produced directly or indirectly by extraction from substances of vege-
14 table origin or independently by means of chemical synthesis or by a
15 combination of extraction and chemical synthesis:

16 (1) opium and opiate, and any salt, compound, derivative, or
17 preparation of opium or opiate, excluding apomorphine, dextrorphan,
18 nalbuphine, naloxone, and naltrexone, and their respective salts, but
19 including the following:

20 (A) raw opium (slang terms: op, pen yan, hop, tar,
21 black stuff);

22 (B) opium extracts;

23 (C) opium fluid extracts;

24 (D) powdered opium;

25 (E) granulated opium;

26 (F) tincture of opium;

27 (G) codeine (slang term: school boy);

28 (H) ethylmorphine;

29 (I) etorphine hydrochloride;

- 1 (J) hydrocodone;
- 2 (K) hydromorphone;
- 3 (L) metopon;
- 4 (M) morphine (slang terms: cube, first line, hocus,
5 Miss Emma, morph, morpho, morphy, mud, white stuff, hard stuff, M,
6 unkie);
- 7 (N) oxycodone;
- 8 (O) oxymorphone;
- 9 (P) thebaine;
- 10 (2) any salt, compound, derivative, or preparation of these
11 which is chemically equivalent or identical with any of the substances
12 referred to in (1) of this subsection, except that these substances do
13 not include the isoquinoline alkaloids of opium;
- 14 (3) opium poppy and poppy straw;
- 15 (4) concentrate of poppy straw (the crude extract of poppy
16 straw in liquid, solid, or powder form which contains the phenanthrine
17 alkaloids of the opium poppy);
- 18 (5) acetylmethadol;
- 19 (6) allylprodine;
- 20 (7) alphacetylmethadol;
- 21 (8) alphameprodine;
- 22 (9) alphamethadol;
- 23 (10) anileridine;
- 24 (11) alphaprodine;
- 25 (12) benzethidine;
- 26 (13) betacetylmethadol;
- 27 (14) betameprodine;
- 28 (15) betamethadol;
- 29 (16) betaprodine;

- 1 (17) clonitazene;
- 2 (18) dextromoramide;
- 3 (19) diampromide;
- 4 (20) diethylthiambutene;
- 5 (21) difenoxin;
- 6 (22) dimenoxadol;
- 7 (23) dimepheptanol;
- 8 (24) dimethylthiambutene;
- 9 (25) dioxaphetyl butyrate;
- 10 (26) dipipanone;
- 11 (27) ethylmethylthiambutene;
- 12 (28) etonitazene;
- 13 (29) etoxeridine;
- 14 (30) furethidine;
- 15 (31) hydroxpethidine;
- 16 (32) ketobemidone;
- 17 (33) levomoramide;
- 18 (34) levophenacylmorphane;
- 19 (35) morpheridine;
- 20 (36) noracymethadol;
- 21 (37) norlevorphanol;
- 22 (38) normethadone;
- 23 (39) norpipanone;
- 24 (40) phenadoxone;
- 25 (41) phenampromide;
- 26 (42) phenomorphan;
- 27 (43) phenoperidine;
- 28 (44) piritramide;
- 29 (45) proheptazine;

- 1 (46) properidine;
2 (47) propiram;
3 (48) racemoramide;
4 (49) trimeperidine;
5 (50) acetorphine;
6 (51) acetyldihydrocodeine;
7 (52) benzylmorphine;
8 (53) codeine methylbromide;
9 (54) codeine-N-oxide;
10 (55) cyprenorphine;
11 (56) desomorphine;
12 (57) dihydromorphine;
13 (58) drotebanol;
14 (59) etorphine;
15 (60) heroin (slang terms: big H, boy, brown, brown sugar,
16 caballo, Chinese red, chiva, crap, doojee, H, Harry, horse, junk,
17 Mexican mud, powder, scag, smack, stuff, thing, joy powder, white stuff,
18 sugar, hairy, skag, schmeck);
19 (61) hydromorphinol;
20 (62) methyl-desorphine;
21 (63) methyldihydromorphine;
22 (64) morphine methylbromide;
23 (65) morphine methylsulfonate;
24 (66) morphine-N-oxide;
25 (67) myrophine;
26 (68) nicocodeine;
27 (69) nicomorphine;
28 (70) normorphine;
29 (71) pholcodine;

- 1 (72) thebacon;
2 (73) alphaprodine;
3 (74) anileridine;
4 (75) bezitramide;
5 (76) dihydrocodeine;
6 (77) diphenoxylate;
7 (78) fentanyl;
8 (79) isomethadone;
9 (80) levomethorphan;
10 (81) levorphanol;
11 (82) metazocine;
12 (83) methadone;
13 (84) methadone-intermediate, 4-cyano-2-dimethylamino-4,
14 4-diphenyl butane;
15 (85) moramide-intermediate, 2-methyl-3-morpholino-1,
16 1-diphenylpropane-carboxylic acid;
17 (86) pethidine (meperidine);
18 (87) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperi-
19 dine;
20 (88) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
21 carboxylate;
22 (89) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
23 carboxylic acid;
24 (90) phenazocine;
25 (91) piminodine;
26 (92) racemethorphan;
27 (93) racemorphan.

28 Sec. 17.17.050. SCHEDULE II. (a) A substance shall be placed in
29 Schedule II if it is found under AS 17.17.020 to have a degree of danger

1 or probable danger lower than Schedule I controlled substances but
2 higher than Schedule III controlled substances.

3 (b) Unless specifically excepted or unless listed in another
4 schedule, Schedule II controlled substances include any material com-
5 pound which contains any quantity of a substance listed in this subsec-
6 tion, including its salts, its isomers (whether optical, position, or
7 geometric), and the salts of its isomers whenever the existence of those
8 salts, isomers, or salts of isomers is possible within the specific
9 chemical designation, regardless of whether the listed substance is
10 produced directly or indirectly by extraction from substances of vege-
11 table origin or independently by means of chemical synthesis or by a
12 combination of extraction and chemical synthesis:

13 (1) cocaine and any compound, derivative, or preparation of
14 coca leaves produced directly or indirectly by extraction from coca
15 leaves, or independently by means of chemical synthesis, or by a combina-
16 tion of extraction and chemical synthesis, including the isomers, salts,
17 and salts of isomers of cocaine and other derivatives of coca leaves
18 whenever the existence of such isomers and salts is possible, but does
19 not include decocainized coca leaves or extractions of coca leaves which
20 do not contain cocaine or ecogonine (slang terms: Bernice, bernies, big
21 C, blow, C, coke, dream, flake, girl, gold dust, heaven dust, nose
22 candy, paradise, rock, white, happy dust, speedballs, snow birds, Cecil,
23 stardust, Corine, Carrie, dust, Burese);

24 (2) 4-bromo-2,5-dimethoxy-amphetamine, also known as bromo-2,
25 5-dimethoxy-a-methylphenethylamine and 4-bromo-2,5-DMA;

26 (3) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-
27 methylphenethylamine and 2,5-DMA;

28 (4) 4-methoxyamphetamine, also known as 4-methoxy-a-
29 methylphenethylamine and paramethoxyamphetamine, PMA;

- 1 (5) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 2 (6) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-
- 3 methyl-2,5-dimethoxy- α -methylphenethylamine (slang terms: DOM, MDA,
- 4 STP, serenity, tranquility, and peace, cone drug);
- 5 (7) 3,4-methylenedioxy amphetamine;
- 6 (8) 3,4,5-trimethoxy amphetamine;
- 7 (9) bufotenine, also known as 3-(β -dimethylaminoethyl)-5-
- 8 hydroxyindole and 3-(2-dimethylaminoethyl)-5-indolol and N,N-
- 9 dimethylserotonin and 5-hydroxy-N,N-dimethyltryptamine and mappine;
- 10 (10) diethyltryptamine, also known as N,N-diethyltryptamine
- 11 and DET;
- 12 (11) dimethyltryptamine, also known as DMT (slang terms:
- 13 businessman's special, lunch-hour trip);
- 14 (12) ibogaine, also known as 7-ethyl-6,6,8,7,8,9,10,12,13-
- 15 octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b]
- 16 indole and Tabernanthe iboga;
- 17 (13) lysergic acid diethylamide (slang terms: Alice D, acid,
- 18 beast, big D, blue cheer, blue heaven, blue mist, brown dots, California
- 19 sunshine, chocolate chips, coffee, contact lens, cupcakes, haze, mellow
- 20 yellows, microdots, orange mushrooms, orange wedges, Owsley, paper acid,
- 21 royal blue, strawberry fields, sugar, sunshine, the hawk, wedges, white
- 22 lightning, window pane, yellows, cubes, 25, Lucy in the sky with dia-
- 23 monds);
- 24 (14) mescaline (slang terms: mesc, mescal, moon);
- 25 (15) peyote, meaning all parts of the plant presently classi-
- 26 fied botanically as *Lophophora williamsii* Lemaire, whether growing or
- 27 not, the seeds of the plant, any extract from any part of the plant, and
- 28 every compound, manufacture, salts, derivative, mixture, or preparation
- 29 of the plant, its seeds, or extracts (slang terms: buttons, cactus,

- 1 mescal buttons, mesc, mescal, plants);
- 2 (16) N-ethyl-3-piperidyl benzilate;
- 3 (17) N-methyl-3-piperidyl benzilate (slang term: LBJ);
- 4 (18) psilocybin (slang terms: magic mushroom, mushroom);
- 5 (19) psilocyn (slang terms: magic mushroom, mushroom);
- 6 (20) chemically synthesized tetrahydrocannabinols, also known
- 7 as THC;
- 8 (21) thiophene analog of phencyclidine, also known as:
- 9 1-[1-(2-thienyl) cyclohexyl] piperidine and 2-thienyl analog of
- 10 phencyclidine and TPCP;
- 11 (22) phencyclidine, also known as PCP (slang terms: angel
- 12 dust, DOA (Dead On Arrival), hog, killer weed (when combined with mari-
- 13 juana or other plant material), peace pill);
- 14 (23) mecloqualone;
- 15 (24) amphetamine, its salts, optical isomers, and salts of its
- 16 optical isomers (slang terms: beans, bennies, black beauties, black-
- 17 birds, black Mollies, bumblebees, cartweels, chalk, chicken powder,
- 18 copilots, crank, crossroads, crystal, dexies, double cross, eye openers,
- 19 hearts, jelly beans, lightning, meth, minibennies, nuggets, oranges, pep
- 20 pills, speed, roses, thrusters, truck drivers, turnabouts, uppers, ups,
- 21 wake-ups, peaches, whites, browns, greenies, bombido, jugs, bottles, lid
- 22 proppers, football, coast-to-coast, L.A. turnabouts);
- 23 (25) methamphetamine, its salts, isomers, and salts of its
- 24 isomers (slang terms: bombido, crystal, meth, speed, splash);
- 25 (26) phenmetrazine and its salts;
- 26 (27) methylphenidate;
- 27 (28) methaqualone (slang terms: ludes, quas, quads, soapers,
- 28 sopes);
- 29 (29) amobarbital (slang terms: barbs, block busters, Christ-

1 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
2 goofballs, goofs, tuinal, tuies, rainbow, double trouble, red and
3 blues);

4 (30) secobarbital (slang terms: barbs, block busters, Christ-
5 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
6 goofballs, goofs, tuinal, tuies, rainbow, double trouble, red and blues,
7 reds, red birds, red devils, seccy, pink, seggy, pink ladies, marsh-
8 mallow reds, Mexican reds);

9 (31) pentobarbital (slang terms: barbs, block busters,
10 Christmas trees, downers, green dragons, peanuts, sleeping pills,
11 stumblers, goofballs, goofs, yellow jackets, yellows, nimbys, nimbies,
12 nobbies).

13 Sec. 17.17.060. SCHEDULE III. (a) A substance shall be placed in
14 Schedule III if it is found under AS 17.17.020 to have a degree of
15 danger or probable danger lower than Schedule II controlled substances
16 but higher than Schedule IV controlled substances.

17 (b) Unless specifically excepted or unless listed in another
18 schedule, Schedule III controlled substances include any material com-
19 pound which contains any quantity of a substance listed in this subsec-
20 tion, including its salts, its isomers (whether optical, position, or
21 geometric), and the salts of its isomers whenever the existence of those
22 salts, isomers, or salts of isomers is possible within the specific
23 chemical designation, regardless of whether the listed substance is
24 produced directly or indirectly by extraction from substances of vege-
25 table origin or independently by means of chemical synthesis or by a
26 combination of extraction and chemical synthesis:

- 27 (1) benzphetamine;
28 (2) chlorphentermine;
29 (3) clortermine;

- 1 (4) mazindol;
- 2 (5) phendimetrazine;
- 3 (6) any compound, mixture, or preparation containing amobar-
- 4 bital, secobarbital, or pentobarbital or any salt of any of these sub-
- 5 stances combined with one or more other active medicinal ingredients
- 6 which are not listed in any classification in this section;
- 7 (7) any suppository dosage form containing amobarbital,
- 8 secobarbital, or pentobarbital or any salt of any of these substances
- 9 which are approved by the federal Food and Drug Administration for
- 10 marketing only as a suppository;
- 11 (8) any substance, having a depressant effect on the central
- 12 nervous system, which contains any quantity or derivative of barbituric
- 13 acid or any salt of these;
- 14 (9) chlorhexadol;
- 15 (10) glutethimide (slang terms: C.D., cibas);
- 16 (11) lysergic acid;
- 17 (12) lysergic acid amide;
- 18 (13) methyprylon;
- 19 (14) sulfondiethylmethane;
- 20 (15) sulfonethylmethane;
- 21 (16) sulfonmethane;
- 22 (17) nalorphine;
- 23 (18) any material, compound, mixture, or preparation contain-
- 24 ing limited quantities of any of the following substances or any of
- 25 their salts:
- 26 (A) not more than 1.8 grams of codeine per 100 milli-
- 27 liters or not more than 90 milligrams per dosage unit, with an
- 28 equal or greater quantity of an isoquinoline alkaloid of opium;
- 29 (B) not more than 1.8 grams of codeine per 100 milli-

1 liters or not more than 90 milligrams per dosage unit, with one or
2 more active, nonnarcotic ingredients in recognized therapeutic
3 amounts;

4 (C) not more than 300 milligrams of dihydrocodeinone per
5 100 milliliters or not more than 15 milligrams per dosage unit,
6 with a fourfold or greater quantity of an isoquinoline alkaloid of
7 opium;

8 (D) not more than 300 milligrams of dihydrocodeinone per
9 100 milliliters or not more than 15 milligrams per dosage unit,
10 with one or more active nonnarcotic ingredients in recognized
11 therapeutic amounts;

12 (E) not more than 1.8 grams of dihydrocodeine per 100
13 milliliters or not more than 90 milligrams per dosage unit, with
14 one or more active nonnarcotic ingredients in recognized thera-
15 peutic amounts;

16 (F) not more than 300 milligrams of ethylmorphine per
17 100 milliliters or not more than 15 milligrams per dosage unit,
18 with one or more active, nonnarcotic ingredients in recognized
19 therapeutic amounts;

20 (G) not more than 500 milligrams of opium per 100 milli-
21 liters or per 100 grams or not more than 25 milligrams per dosage
22 unit, with one or more active, nonnarcotic ingredients in recog-
23 nized therapeutic amounts;

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

27 Sec. 17.17.070. SCHEDULE IV. (a) A substance shall be placed in
28 Schedule IV if it is found under AS 17.17.020 to have a degree of danger
29 or probable danger lower than Schedule III controlled substances but

1 higher than Schedule V controlled substances.

2 (b) Unless specifically excepted or unless listed in another
3 schedule, Schedule IV controlled substances include any material com-
4 pound which contains any quantity of a substance listed in this subsec-
5 tion, including its salts, its isomers (whether optical, position, or
6 geometric), and the salts of its isomers whenever the existence of those
7 salts, isomers, or salts of isomers is possible within the specific
8 chemical designation, regardless of whether the listed substance is
9 produced directly or indirectly by extraction from substances of vege-
10 table origin or independently by means of chemical synthesis or by a
11 combination of extraction and chemical synthesis:

12 (1) barbital;

13 (2) chloral betaine;

14 (3) chloral hydrate (slang terms: knockout drops, Mickey
15 Finn, Mickey, Peter);

16 (4) chlordiazepoxide;

17 (5) clonazepam;

18 (6) clorazepate;

19 (7) diazepam;

20 (8) ethchlorvynol;

21 (9) ethinamate;

22 (10) flurazepam;

23 (11) lorazepam;

24 (12) mebutamate;

25 (13) meprobamate;

26 (14) methohexital;

27 (15) methylphenobarbital (mephobarbital);

28 (16) oxazepam;

29 (17) paraldehyde;

- 1 (18) petrichloral;
2 (19) phenobarbital;
3 (20) prazepam;
4 (21) pentazocine;
5 (22) fenfluramine;
6 (23) diethylpropion;
7 (24) phentermine;
8 (25) pemoline, including organometallic complexes and chelates
9 thereof;
10 (26) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
11 diphenyl-3-methyl-2-propionoxybutane);
12 (27) hashish and hashish oil (slang terms: black Russian,
13 hash, kif, quarter moon, soles).

14 Sec. 17.17.080. SCHEDULE V. (a) A substance shall be placed in
15 Schedule V if it is found under AS 17.17.020 to have a degree of danger
16 or probable danger lower than Schedule IV controlled substances but
17 higher than Schedule VI controlled substances.

18 (b) Unless specifically excepted or unless listed in another
19 schedule, Schedule V controlled substances include loperamide and any
20 material compound which contains any quantity of a substance listed in
21 this subsection, including its salts, its isomers (whether optical,
22 position, or geometric), and the salts of its isomers whenever the
23 existence of those salts, isomers, or salts of isomers is possible
24 within the specific 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 Schedule V controlled substances include the following controlled sub-
29 stances, otherwise listed in AS 17.17.040(b), when they are combined in

1 the following portions with one or more nonnarcotic active medicinal
2 ingredients in sufficient portion to confer upon the compound mixture
3 preparation valuable medicinal qualities other than those possessed by
4 the Schedule I controlled substance:

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

7 (2) not more than 100 milligrams of dihydrocodeine per 100
8 milliliters or per 100 grams;

9 (3) not more than 100 milligrams of ethylmorphine per 100
10 milliliters or per 100 grams;

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

13 (5) not more than 100 milligrams of opium per 100 milliliters
14 or per 100 grams.

15 Sec. 17.17.090. SCHEDULE VI. (a) A substance shall be placed in
16 Schedule VI if it is found under AS 17.17.020 to have the lowest degree
17 of danger or probable danger.

18 (b) Schedule VI controlled substances include marijuana (slang
19 terms: Acapulco gold, broccoli, bush, dry high, gage, ganga, grass,
20 griffo, hay, hemp, herb, J, Jay, Jane, Mary Jane, mota, mutah, Panama
21 red, pod, pot, reefer, sativa, smoke, stick, tea, weed, stuff, rope,
22 joints, Texas tea, goof butt, jive, sweet lunch, stinkweed, locoweed,
23 mezz, Mary Waner, Indian hay, fu, bobo bush).

24 ARTICLE 2. OFFENSES AND PENALTIES.

25 Sec. 17.17.200. DISTRIBUTING A CONTROLLED SUBSTANCE TO A MINOR.

26 (a) Except as authorized in this chapter, it is unlawful for a person
27 knowingly to distribute a controlled substance to a minor who is three
28 or more years younger than the person.

29 (b) A person who violates this section with respect to

1 (1) a Schedule I controlled substance is guilty of an un-
2 classified felony;

3 (2) a Schedule II controlled substance is guilty of a class A
4 felony;

5 (3) a Schedule III controlled substance is guilty of a class
6 A felony;

7 (4) a Schedule IV controlled substance is guilty of a class B
8 felony;

9 (5) a Schedule V controlled substance is guilty of a class B
10 felony;

11 (6) a Schedule VI controlled substance is guilty of a class B
12 felony.

13 Sec. 17.17.210. MANUFACTURING A CONTROLLED SUBSTANCE. (a) Except
14 as authorized in this chapter, it is unlawful for a person knowingly to
15 manufacture a controlled substance.

16 (b) A person who violates this section with respect to

17 (1) a Schedule I controlled substance is guilty of a class A
18 felony;

19 (2) a Schedule II controlled substance is guilty of a class A
20 felony;

21 (3) a Schedule III controlled substance is guilty of a class
22 B felony;

23 (4) a Schedule IV controlled substance is guilty of a class B
24 felony;

25 (5) a Schedule V controlled substance is guilty of a class C
26 felony;

27 (6) a Schedule VI controlled substance is guilty of a class C
28 felony.

29 Sec. 17.17.220. DISTRIBUTING A CONTROLLED SUBSTANCE. (a) Except

1 as authorized in this chapter, it is unlawful for a person knowingly to
2 distribute a controlled substance.

3 (b) A person is guilty of

4 (1) a class A felony if he knowingly distributes a Schedule I
5 controlled substance;

6 (2) a class A felony if he knowingly distributes a
7 Schedule II controlled substance;

8 (3) a class B felony if he knowingly distributes a
9 Schedule III controlled substance;

10 (4) a class C felony if he knowingly distributes a
11 Schedule IV controlled substance;

12 (5) a class C felony if he knowingly distributes a Schedule V
13 controlled substance.

14 Sec. 17.17.230. DISTRIBUTING A SCHEDULE VI CONTROLLED SUBSTANCE.

15 (a) Except as authorized in this chapter, it is unlawful for a person
16 knowingly to distribute a Schedule VI controlled substance.

17 (b) A person is guilty of a class C felony if he violates this
18 section by knowingly distributing one or more preparations, compounds,
19 mixtures, or substances of an aggregate weight of two ounces or more
20 containing a Schedule VI controlled substance.

21 (c) A person is guilty of a class A misdemeanor if he violates
22 this section by knowingly distributing one or more preparations, com-
23 pounds, mixtures, or substances of an aggregate weight of less than two
24 ounces containing a Schedule VI controlled substance. However, in a
25 prosecution under this subsection, it is a defense which reduces the
26 crime to a class B misdemeanor that the preparations, compounds, mix-
27 tures, or substances containing a Schedule VI controlled substance were
28 of an aggregate weight of one ounce or less and that the distribution
29 was made for no remuneration to a person 18 years of age or older. As

1 used in this subsection, "defense" has the meaning ascribed to it in
2 AS 11.81.900(b).

3 Sec. 17.17.240. POSSESSION OF CONTROLLED SUBSTANCES. (a) Except
4 as authorized in this chapter, it is unlawful for a person knowingly to
5 possess a Schedule I controlled substance. A person is guilty of

6 (1) a class A felony if he knowingly possesses

7 (A) one or more preparations, compounds, mixtures, or
8 substances of an aggregate weight of

9 (i) one ounce or more containing heroin or morphine
10 or any of their respective alkaloids or salts; or

11 (ii) two ounces or more containing a Schedule I con-
12 trolled substance other than heroin or morphine or any of their
13 respective alkaloids or salts; or

14 (B) 100 or more capsules, tablets, ampules, or syrettes
15 containing a Schedule I controlled substance;

16 (2) a class B felony if he knowingly possesses

17 (A) one or more preparations, compounds, mixtures, or
18 substances of an aggregate weight of

19 (i) one-fourth ounce or more but less than one
20 ounce containing heroin or morphine or any of their respective
21 alkaloids or salts; or

22 (ii) one-half ounce or more but less than two ounces
23 containing a Schedule I controlled substance other than heroin or
24 morphine or any of their respective alkaloids or salts; or

25 (B) 50 or more but fewer than 100 capsules, tablets,
26 ampules, or syrettes containing a Schedule I controlled substance;

27 (3) a class C felony if he knowingly possesses

28 (A) one or more preparations, compounds, mixtures, or
29 substances of an aggregate weight of

1 (i) one-eighth ounce or more but less than one-
2 fourth ounce containing heroin or morphine or any of their respec-
3 tive alkaloids or salts; or

4 (ii) one-fourth ounce or more but less than one-half
5 ounce containing a Schedule I controlled substance other than
6 heroin or morphine or any of their respective alkaloids or salts;
7 or

8 (B) 25 or more but fewer than 50 capsules, tablets,
9 ampules, or syrettes containing a Schedule I controlled substance;

10 (4) a class A misdemeanor if he knowingly possesses a
11 Schedule I controlled substance in a smaller amount than the ranges
12 specified in (3) of this subsection.

13 (b) Except as authorized in this chapter, it is unlawful for a
14 person knowingly to possess a Schedule II controlled substance. A
15 person is guilty of

16 (1) a class A felony if he knowingly possesses

17 (A) one or more preparations, compounds, mixtures, or
18 substances of an aggregate weight of two ounces or more containing
19 a Schedule II controlled substance;

20 (B) 200 or more capsules, tablets, ampules, or syrettes
21 containing a Schedule II controlled substance; or

22 (2) a class B felony if he knowingly possesses

23 (A) one or more preparations, compounds, mixtures, or
24 substances of an aggregate weight of one-half ounce or more but
25 less than two ounces containing a Schedule II controlled substance;
26 or

27 (B) 100 or more but fewer than 200 capsules, tablets,
28 ampules, or syrettes containing a Schedule II controlled substance;

29 (3) a class C felony if he knowingly possesses

1 (A) one or more preparations, compounds, mixtures, or
2 substances of an aggregate weight of one-fourth ounce or more but
3 less than one-half ounce containing a Schedule II controlled sub-
4 stance; or

5 (B) 50 or more but fewer than 100 capsules, tablets,
6 ampules, or syrettes containing a Schedule II controlled substance;

7 (4) a class A misdemeanor if he knowingly possesses a
8 Schedule II controlled substance in a smaller amount than the ranges
9 specified in (3) of this subsection.

10 (c) Except as authorized in this chapter, it is unlawful for a
11 person knowingly to possess a Schedule III controlled substance. A
12 person is guilty of

13 (1) a class B felony if he knowingly possesses

14 (A) one or more preparations, compounds, mixtures, or
15 substances of an aggregate weight of two ounces or more containing
16 a Schedule III controlled substance; or

17 (B) 400 or more capsules, tablets, ampules, or syrettes
18 containing a Schedule III controlled substance;

19 (2) a class C felony if he knowingly possesses

20 (A) one or more preparations, compounds, mixtures, or
21 substances of an aggregate weight of one-half ounce or more but
22 less than two ounces containing a Schedule III controlled sub-
23 stance; or

24 (B) 100 or more but fewer than 400 capsules, tablets,
25 ampules, or syrettes containing a Schedule III controlled sub-
26 stance;

27 (3) a class A misdemeanor if he knowingly possesses a
28 Schedule III controlled substance in a smaller amount than the ranges
29 specified in (2) of this subsection.

1 (d) Except as authorized in this chapter, it is unlawful for a
2 person knowingly to possess a Schedule IV controlled substance. A
3 person is guilty of

4 (1) a class C felony if he knowingly possesses

5 (A) one or more preparations, compounds, mixtures, or
6 substances of an aggregate weight of two ounces or more containing
7 a Schedule IV controlled substance; or

8 (B) 400 or more capsules, tablets, ampules, or syrettes
9 containing a Schedule IV controlled substance;

10 (2) a class C felony if he knowingly possesses

11 (A) one or more preparations, compounds, mixtures, or
12 substances of an aggregate weight of one-half ounce or more but
13 less than two ounces containing a Schedule IV controlled substance;

14 or

15 (B) 100 or more but fewer than 400 capsules, tablets,
16 ampules, or syrettes containing a Schedule IV controlled substance;

17 (3) a class A misdemeanor if he knowingly possesses a
18 Schedule IV controlled substance in a smaller amount than the ranges
19 specified in (c) of this section.

20 (e) Except as authorized in this chapter, it is unlawful for a
21 person knowingly to possess a Schedule V controlled substance. A person
22 is guilty of

23 (1) a class C felony if he knowingly possesses

24 (A) one or more preparations, compounds, mixtures, or
25 substances of an aggregate weight of one ounce or more containing a
26 Schedule V controlled substance; or

27 (B) 400 or more capsules or tablets containing a
28 Schedule V controlled substance;

29 (2) a class A misdemeanor if he knowingly possesses a

1 Schedule V controlled substance in a smaller amount than the ranges
2 specified in (1) of this subsection.

3 Sec. 17.17.250. POSSESSION OF A SCHEDULE VI CONTROLLED SUBSTANCE.

4 (a) Except as authorized in this chapter, it is unlawful for a person
5 knowingly to possess a Schedule VI controlled substance.

6 (b) A person who violates this section by knowingly possessing a
7 Schedule VI controlled substance shall be punished in accordance with
8 AS 17.12.110(d) and (e).

9 Sec. 17.17.260. FAILURE TO MAKE, KEEP, OR FURNISH REQUIRED INFOR-
10 MATION. (a) Except as authorized in this chapter, it is unlawful for a
11 person knowingly to refuse or fail to make, keep, or furnish a record,
12 notification, order form, statement, invoice, or information required
13 under this chapter.

14 (b) A person who violates this section is guilty of a class B
15 misdemeanor.

16 Sec. 17.17.270. MISCELLANEOUS OFFENSES. (a) Except as authorized
17 in this chapter, it is unlawful for a person

18 (1) knowingly to keep or maintain a store, shop, warehouse,
19 dwelling, building, vehicle, vessel, aircraft, or other structure or
20 place which is used for keeping or selling controlled substances in
21 violation of this chapter;

22 (2) to use in the course of the manufacture or distribution
23 of a controlled substance a registration number which is fictitious,
24 revoked, suspended, or issued to another person;

25 (3) to obtain possession of a controlled substance by mis-
26 representation, fraud, forgery, or other deception;

27 (4) to make, distribute, or possess a punch, die, plate,
28 stone, or other thing designed to print, imprint, or reproduce the
29 trademark, trade name, or other identifying mark, imprint, or device of

1 another or any likeness of any of the foregoing upon a drug or container
2 or labeling so as to render a drug a counterfeit substance;

3 (5) to furnish false or fraudulent material information in,
4 or omit material information from, an application, report, record, or
5 other document required to be kept or filed under this chapter.

6 (b) A person who violates this section is guilty of a class C
7 felony.

8 Sec. 17.17.280. OFFENSES DEFINED BY AMOUNTS. Whenever a provision
9 of this chapter defining an offense requires a determination of an
10 amount, it is not a defense to the lowest class of offense established
11 by the evidence that the amount in question was larger than the amount
12 which would make the offense a higher class of offense, and a person may
13 be charged and convicted accordingly.

14 Sec. 17.17.290. PENALTIES UNDER OTHER LAWS. A penalty imposed for
15 a violation of this chapter is in addition to, and not in place of, a
16 civil or administrative penalty or sanction otherwise authorized by law.

17 ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION,
18 AND DISPENSING OF CONTROLLED SUBSTANCES.

19 Sec. 17.17.550. REGULATIONS. The commissioner shall adopt regu-
20 lations under the Administrative Procedure Act (AS 44.62) which are
21 necessary for the administration of AS 17.17.550 - 17.17.610 and may
22 charge reasonable fees relating to the registration and control of the
23 manufacture, distribution, and dispensing of controlled substances in
24 this state.

25 Sec. 17.17.560. REGISTRATION REQUIREMENTS. (a) A person who
26 manufactures, distributes, or dispenses a controlled substance in this
27 state or who proposes to engage in the manufacture, distribution, or
28 dispensing of a controlled substance in this state, shall annually
29 register with the commissioner in accordance with regulations adopted

1 under AS 17.17.550.

2 (b) A person registered by the commissioner under AS 17.17.550 -
3 17.17.610 to manufacture, distribute, or dispense controlled substances,
4 including any such activity in the conduct of research, may possess,
5 manufacture, distribute, or dispense those substances to the extent
6 authorized by his registration and in conformity with the other pro-
7 visions of AS 17.17.550 - 17.17.610.

8 (c) The following persons need not register and may lawfully
9 possess controlled substances under this chapter:

10 (1) an agent or employee of a registered manufacturer, dis-
11 tributor, or dispenser of a controlled substance if the possession is
12 incidental to the agent's or employee's acting in the usual course of
13 business or employment;

14 (2) a common or contract carrier or warehouseman, or his
15 employee, whose possession of a controlled substance is in the usual
16 course of business or employment;

17 (3) a person in possession of a controlled substance under an
18 order of a registered practitioner.

19 (d) The commissioner may, by regulation, waive the requirement for
20 registration of certain manufacturers, distributors, or dispensers if he
21 finds it consistent with the public health and safety.

22 (e) A separate registration is required for each principal place
23 of business or professional practice where the applicant manufactures,
24 distributes, or dispenses controlled substances.

25 (f) The commissioner may inspect the establishment of a registrant
26 or applicant for registration in accordance with his regulations.

27 Sec. 17.17.570. REGISTRATION. (a) The commissioner shall register
28 an applicant to manufacture, distribute, or dispense controlled sub-
29 stances included in the schedules in AS 17.17.040 - 17.17.090 unless he

1 finds that the registration would be inconsistent with the public inter-
2 est. In determining the public interest, the commissioner shall consider

3 (1) maintenance of effective controls against diversion of
4 controlled substances into other than legitimate medical, scientific, or
5 industrial channels;

6 (2) compliance with applicable state and local law;

7 (3) any conviction of the applicant under federal or state
8 laws relating to controlled substances;

9 (4) past experience in the manufacture or distribution of
10 controlled substances, and the existence in the applicant's establish-
11 ment of effective controls against diversion;

12 (5) furnishing by the applicant of false information in an
13 application filed under this chapter;

14 (6) suspension or revocation of the applicant's federal
15 registration to manufacture, distribute, or dispense controlled sub-
16 stances as authorized by federal law; and

17 (7) any other factors relevant to the public health and
18 safety.

19 (b) A practitioner registered under federal law to manufacture,
20 distribute, or dispense controlled substances is exempt from regis-
21 tration under this section.

22 Sec. 17.17.580. REVOCATION AND SUSPENSION OF REGISTRATION. (a) A
23 registration under AS 17.17.570 to manufacture, distribute, or dispense
24 a controlled substance may be suspended or revoked by the commissioner
25 upon a finding that the registrant

26 (1) has furnished false or fraudulent material information in
27 an application filed under this chapter;

28 (2) has been convicted of a felony under state or federal law
29 relating to a controlled substance; or

1 (3) has had his federal registration to manufacture, dis-
2 tribute, or dispense controlled substances suspended or revoked.

3 (b) The commissioner may limit the revocation or suspension of a
4 registration to the particular controlled substance with respect to
5 which grounds for revocation or suspension exist.

6 (c) If the commissioner suspends or revokes a registration, all
7 controlled substances owned or possessed by the registrant at the time
8 of suspension or the effective date of the revocation order may be
9 placed under seal. A disposition may not be made of substances under
10 seal until the time for taking an appeal has elapsed or until all appeals
11 have been concluded unless a court, upon application, orders the sale of
12 perishable substances and the deposit of the proceeds of the sale with
13 the court. Upon a revocation order becoming final, all controlled
14 substances are forfeited to the state.

15 (d) The commissioner shall promptly notify the Drug Enforcement
16 Administration of all orders suspending or revoking registration and all
17 forfeitures of controlled substances.

18 Sec. 17.17.590. ORDER TO SHOW CAUSE. (a) Before denying, sus-
19 pending or revoking a registration, or refusing a renewal of registra-
20 tion, the commissioner shall serve upon the applicant or registrant an
21 order to show cause why registration should not be denied, revoked, or
22 suspended, or why the renewal should not be refused. The order to show
23 cause shall contain a statement of the basis for it and shall call upon
24 the applicant or registrant to appear before the commissioner at a time
25 and place not less than 30 days after the date of the service of the
26 order, but in the case of a refusal of renewal of registration the show
27 cause order shall be served not later than 30 days before the expiration
28 of the registration. These proceedings shall be conducted under the
29 administrative adjudication provisions of the Administrative Procedure

1 Act (AS 44.62.330 - 44.62.630) without regard to criminal prosecution or
2 other proceeding. Proceedings to refuse renewal of registration do not
3 abate the existing registration, which remains in effect pending the
4 outcome of the administrative hearing.

5 (b) The commissioner may, without an order to show cause, suspend
6 a registration simultaneously with the institution of proceedings under
7 AS 17.17.580 if he finds that there is an imminent danger to the public
8 health or safety which warrants this action. The suspension shall
9 continue in effect until the conclusion of the proceedings, including
10 judicial review of the proceedings, unless sooner withdrawn by the
11 commissioner or dissolved by a court of competent jurisdiction.

12 Sec. 17.17.600. RECORDS OF REGISTRANTS. A person registered to
13 manufacture, distribute, or dispense controlled substances under this
14 chapter shall keep records and maintain inventories in conformance with
15 the record-keeping and inventory requirements of federal law and with
16 additional regulations the commissioner may adopt.

17 Sec. 17.17.610. ORDER FORMS; PRESCRIPTIONS. (a) A controlled
18 substance may be distributed by one registrant to another registrant
19 only if the distribution is in accordance with federal requirements for
20 order forms.

21 (b) A controlled substance may not be dispensed by a practitioner
22 except in accordance with federal requirements regarding prescriptions
23 for controlled substances; however, a controlled substance may be dis-
24 pensed directly by a practitioner, other than a pharmacist, to an ulti-
25 mate user without a prescription.

26 ARTICLE 4. ENFORCEMENT AND ADMINISTRATION.

27 Sec. 17.17.750. ENFORCEMENT COOPERATION. It is the duty of the
28 commissioner of public safety, officers of the division of state
29 troopers, officers appointed to enforce criminal law in this state or

1 another state, local government law enforcement officers, the attorney
2 general, and all prosecuting attorneys to enforce all provisions of this
3 chapter and to cooperate with agencies charged with enforcement of the
4 laws relating to controlled substances of the United States, of this
5 state, and of all other states.

6 Sec. 17.17.760. FORFEITURES. (a) The following are subject to
7 forfeiture:

8 (1) a controlled substance which has been manufactured,
9 distributed, acquired, or possessed in violation of this chapter;

10 (2) raw materials, products, and equipment which are used in
11 manufacturing or distributing a controlled substance in violation of
12 this chapter;

13 (3) property which is used as a container for property des-
14 cribed in (1) or (2) of this subsection;

15 (4) conveyances, including aircraft, vehicles, or vessels
16 which are used to transport or in any manner to facilitate transporta-
17 tion of property described in (1) or (2) of this subsection for the
18 purpose of sale or receipt, except

19 (A) a conveyance is not subject to forfeiture under this
20 section if its use in violation of this chapter was committed by a
21 person other than the owner of the conveyance and the owner was not
22 privy to the violation;

23 (B) a forfeiture of a conveyance encumbered by a bona
24 fide security interest at the time of seizure is subject to the
25 interest of the secured party if its use in violation of this
26 chapter was committed by a person other than the secured party and
27 the secured party was not privy to the violation;

28 (5) all books, records, and research products and materials,
29 including formulas, microfilm, tapes, and data which are used in viola-

1 tion of this chapter.

2 (b) Property listed in (a) of this section may be forfeited to the
3 state upon conviction of the defendant of a violation of this chapter or
4 upon judgment of a court of competent jurisdiction in a civil proceeding
5 in rem that an item is subject to forfeiture.

6 (c) Property subject to forfeiture under this section may be
7 seized by the commissioner of public safety upon an order issued by the
8 court having jurisdiction over the property upon a showing of probable
9 cause that the property is subject to forfeiture. Seizure without a
10 court order may be made if

11 (1) the seizure is incident to a valid arrest or a search
12 under a valid search warrant;

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

16 (3) there is probable cause that the property was or is being
17 used in violation of this chapter and the property is easily movable.

18 (d) Property seized under (c)(3) of this section may not be held
19 over 48 hours or until an order may be applied for and issued by a
20 court, whichever is earlier.

21 (e) Property seized or detained under this section is in the
22 custody of the Department of Public Safety subject only to the orders
23 and decrees of the court having jurisdiction over the forfeiture pro-
24 ceedings. If property is seized under this section, the Department of
25 Public Safety may

26 (1) place the property under seal;

27 (2) remove the property to a place designated by the court;

28 or

29 (3) take custody of the property and remove it to an appro-

1 private location for disposition in accordance with law.

2 (f) Property forfeited under this section shall be disposed of
3 according to court order. The court may order the Department of Public
4 Safety to

5 (1) destroy property harmful to the public;

6 (2) sell the property and use the proceeds for payment of all
7 proper expenses of the proceedings for forfeiture and sale, including
8 expenses of seizure and custody and court costs;

9 (3) take custody of the property and use it in the enforce-
10 ment of this chapter or transfer it to another agency of the state for a
11 use designated by the court in furtherance of the administration of
12 justice;

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

15 (5) forward it to the Drug Enforcement Administration for
16 disposition.

17 (g) For purposes of this section, an attempt under AS 11.31.100 or
18 a solicitation under AS 11.31.110 to commit a crime defined by this
19 chapter is considered a violation of this chapter.

20 Sec. 17.17.770. BURDEN OF PROOF; LIABILITIES. (a) It is not
21 necessary for the state to negate an exemption or exception in this
22 chapter in a complaint, information, indictment, or other pleading under
23 this chapter. However, once a person asserts an exemption or exception
24 under this chapter, the burden is upon the state to disprove the exis-
25 tence of the exemption or exception by clear and convincing evidence.

26 (b) In a civil proceeding in rem under AS 17.17.760, the burden is
27 upon the state to prove by clear and convincing evidence that the item
28 in question is subject to forfeiture.

29 (c) Liability is not imposed by this chapter upon an authorized

1 state or local officer engaged in the lawful performance of his duties.

2 Sec. 17.17.780. EDUCATION AND RESEARCH. (a) The commissioner
3 shall carry out educational programs designed to prevent and deter abuse
4 of controlled substances. In connection with these programs, the com-
5 missioner may

6 (1) promote better recognition of the problems of abuse of
7 controlled substances within the regulated industry and among interested
8 groups and organizations;

9 (2) assist the regulated industry and interested groups and
10 organizations in contributing to the reduction of abuse of controlled
11 substances;

12 (3) consult with interested groups and organizations to aid
13 them in solving administrative and organizational problems;

14 (4) evaluate procedures, projects, and techniques conducted
15 or proposed as part of educational programs on abuse of controlled
16 substances;

17 (5) disseminate the results of research on abuse of con-
18 trolled substances to promote a better public understanding of the
19 problems which exist and their solutions; and

20 (6) assist in the education and training of state and local
21 law enforcement officials in their efforts to prevent abuse of con-
22 trolled substances.

23 (b) The commissioner shall encourage research on controlled sub-
24 stances and may

25 (1) establish methods to assess the effects of controlled
26 substances and identify and characterize those with potential for abuse;

27 (2) undertake research to

28 (A) develop new or improved approaches, techniques,
29 systems, equipment, and devices to strengthen the enforcement of

1 this chapter;

2 (B) determine patterns of abuse of controlled substances
3 and their social effects;

4 (C) improve methods for preventing, predicting, and
5 understanding the abuse of controlled substances;

6 (3) enter into contracts with public agencies, institutions
7 of higher education, and organizations or individuals for conducting
8 research on abuse of controlled substances and for performing related
9 educational activities.

10 ARTICLE 5. GENERAL PROVISIONS.

11 Sec. 17.17.900. DEFINITIONS. As used in this chapter, unless the
12 context requires otherwise,

13 (1) "administer" means the direct application of a controlled
14 substance, whether by injection, inhalation, ingestion, or any other
15 means, to the body of a patient or research subject by

16 (A) a practitioner or, in his presence, by his autho-
17 rized agent, or

18 (B) the patient or research subject at the direction and
19 in the presence of a practitioner;

20 (2) "agent" means an authorized person who acts on behalf of
21 or at the direction of a manufacturer, distributor, or dispenser; "agent"
22 does not include a common or contract carrier, public warehouseman, or
23 employee of the carrier or warehouseman;

24 (3) "commissioner" means the commissioner of health and
25 social services;

26 (4) "committee" means the Controlled Substances Advisory
27 Committee;

28 (5) "controlled substance" means a drug, substance, or imme-
29 diate precursor included within any of the schedules in AS 17.17.040 -

1 17.17.090;

2 (6) "counterfeit substance" means a controlled substance
3 which, or the container or labeling of which, without authorization,
4 bears the trademark, trade name, or other identifying mark, imprint,
5 number, or device, or any likeness to it, of a manufacturer, distribu-
6 tor, or dispenser other than the person who in fact manufactured, dis-
7 tributed, or dispensed the substance;

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

11 (8) "dentist" means a person authorized by law to practice
12 dentistry in this state;

13 (9) "dispense" means to deliver a controlled substance to an
14 ultimate user or research subject by a practitioner, including the
15 prescribing, administering, packaging, labeling, or compounding neces-
16 sary to prepare the substance for that delivery;

17 (10) "distribute" means to deliver, other than by administer-
18 ing or dispensing, a controlled substance;

19 (11) "drug"

20 (A) means

21 (i) substances recognized as drugs in the official
22 United States Pharmacopoeia, official Homeopathic Pharma-
23 copoeia of the United States, or official National Formulary,
24 or any supplement to any of them;

25 (ii) substances intended for use in the diagnosis,
26 cure, mitigation, treatment, or prevention of disease in
27 humans or animals;

28 (iii) substances, other than food, intended to affect
29 the structure or any function of the body of humans or animals;

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and

(iv) substances intended for use as a component of any article specified in (i), (ii), or (iii) of this subparagraph;

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

(12) "hashish" means the resin produced by the plant (genus) Cannabis;

(13) "hashish oil" means the viscous liquid concentrate of tetrahydrocannabinols extracted from hashish;

(14) "manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance

(A) by a practitioner as an incident to his administering or dispensing a controlled substance in the course of his professional practice, or

(B) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale;

(15) "marijuana" means the leaves, stems, flowers, and seeds of the plant (genus) Cannabis, whether growing or not, but does not include the resin or oil extracted from any part of the plant, or any

1 compound, manufacture, salt, derivative, mixture, or preparation from
2 the resin or oil, including hashish and natural or synthetic tetrahydro-
3 cannabinal; it does not include the mature stalks of the plant, fiber
4 produced from the stalks, oil or cake made from the seeds of the plant,
5 any other compound, manufacture, salt, derivative, mixture, or prepara-
6 tion of the mature stalks, fiber, oil or cake, or the sterilized seed of
7 the plant which is incapable of germination;

8 (16) "minor" means a person who is under 18 years of age;

9 (17) "opiate" means a substance having an addiction-forming or
10 addiction-sustaining liability similar to morphine or being capable of
11 conversion into a drug having addiction-forming or addiction-sustaining
12 liability; it does not include, unless specifically designated as con-
13 trolled under AS 17.17.020, the dextrorotatory isomer of 3-methoxy-n-
14 methylmorphinan and its salts (dextromethorphan); it does include its
15 racemic and levorotatory forms;

16 (18) "opium poppy" means the plant of the species *Papaver*
17 *somniferum* L., except its seeds;

18 (19) "poppy straw" means all parts, except the seeds, of the
19 opium poppy, after mowing;

20 (20) "practitioner" means

21 (A) a physician, dentist, veterinarian, scientific
22 investigator, or other person licensed, registered, or otherwise
23 permitted to distribute, dispense, conduct research with respect
24 to, or administer a controlled substance in the course of pro-
25 fessional practice or research in this state;

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

1 (21) "production" includes the manufacture, planting, cultiva-
2 tion, growing, or harvesting of a controlled substance;

3 (22) "ultimate user" means a person who lawfully possesses a
4 controlled substance for his own use, for the use of a member of his
5 household, or for administering to an animal owned by him or a member of
6 his household.

7 Sec. 17.17.990. SHORT TITLE. This chapter may be cited as the
8 Controlled Substances Act.

9 * Sec. 2. AS 08.64.380(3)(B) is amended to read:

10 (B) habitual overuse of alcoholic beverages or con-
11 trolled substances as defined in AS 17.17 [DEPRESSANT, HALLUCINO-
12 GENIC OR STIMULANT DRUGS, AS DEFINED IN AS 17.12.150(3), OR ADDIC-
13 TION TO THE USE OF NARCOTIC DRUGS AS DEFINED IN AS 17.10.230(13)];

14 * Sec. 3. AS 08.80.470 is amended to read:

15 Sec. 08.80.470. CONSTRUCTION. Nothing in this chapter amends,
16 modifies, repeals or otherwise changes any provision of the Controlled
17 Substances Act (AS 17.17) [UNIFORM NARCOTIC DRUG ACT (AS 17.10)] or the
18 Alaska Food, Drug and Cosmetic Act (AS 17.20).

19 * Sec. 4. AS 12.30.040(b) is amended to read:

20 (b) Notwithstanding the provisions of (a) of this section, if the
21 offense a person has been convicted of is murder in the first degree
22 (as defined in AS 11.41.100), kidnapping (as defined in AS 11.41.300),
23 sexual assault in the first degree (as defined in AS 11.41.410(a)(1)
24 and (2)), robbery in the first degree (as defined in AS 11.41.500), or
25 distributing a Schedule I controlled substance to a minor (as defined
26 in AS 17.17.200(b)(1)), or an offense that involves the manufacture,
27 distribution, or possession with intent to manufacture or distribute
28 a Schedule I or II controlled substance in violation of AS 17.17.-
29 210.(b)(1) and (2) or 17.17.220(b)(1) and (2) under circumstances mani-

1 festing an intent to distribute the substance as part of a commercial
2 enterprise [FIRST DEGREE MURDER, ARMED ROBBERY, KIDNAPPING, OR RAPE (AS
3 DEFINED IN AS 11.15.130)], he may not be released on bail either before
4 sentencing or pending appeal.

5 * Sec. 5. AS 12.45 is amended by adding a new section to read:

6 Sec. 12.45.155. LABORATORY REPORT OF CONTROLLED SUBSTANCE. (a)
7 In a prosecution under AS 17.17.200 - 17.17.250, a complete copy of an
8 official laboratory report from the Department of Public Safety or a
9 laboratory operated by another law enforcement agency is prima facie
10 evidence of the content, identity, and weight of the substance. The
11 report must be signed by the person performing the analysis and must
12 state that the substance which is the basis of the alleged offense has
13 been weighed and analyzed. It must also state with specificity findings
14 as to the content, weight, and identity of the substance.

15 (b) A notarized statement executed by the signer of the report
16 provided for in (a) of this section must be attached to the report. The
17 statement must set out the identity of the signer and include a state-
18 ment that he is an employee of the laboratory issuing the report and
19 that performing the analysis is a part of his regular duties. The
20 statement must also include an outline of his education, training, and
21 experience for performing an analysis. The signer shall attest that
22 scientifically accepted tests were performed with due caution, and that
23 the evidence was handled in accordance with established and accepted
24 procedures while in the custody of the laboratory.

25 (c) The prosecuting attorney shall serve a copy of the report on
26 the attorney of record for the accused, or on the defendant if he has no
27 attorney, no later than 10 days before a proceeding in which the report
28 is to be used against the accused. However, at a preliminary hearing or
29 grand jury proceeding the report may be used without having been pre-

1 viously served upon the accused.

2 (d) The accused or his attorney may demand the testimony of the
3 person signing the report, by serving a written demand showing cause,
4 upon the prosecuting attorney within seven days from receipt of the
5 report.

6 (e) A report issued for use under this section must contain notice
7 of the right of the accused to demand the testimony of the person signing
8 the report.

9 * Sec. 6. AS 12.55.035(b)(1) is amended to read:

10 (1) \$75,000 for murder in the first or second degree, [OR]
11 kidnapping, or distributing a Schedule I controlled substance to a minor
12 as defined in AS 17.17.200(b)(1);

13 * Sec. 7. AS 12.55.125(b) is amended to read:

14 (b) A defendant convicted of murder in the second degree, [OR]
15 kidnapping, or distributing a Schedule I controlled substance to a
16 minor as defined in AS 17.17.200(b)(1) shall be sentenced to a definite
17 term of imprisonment of at least five years but not more than 99 years.

18 * Sec. 8. AS 12.55.155(c) is amended by adding new paragraphs to read:

19 (15) the defendant is convicted of an offense specified in
20 AS 17.17 and the offense involved the delivery of a controlled substance
21 under circumstances manifesting an intent to distribute the substance as
22 part of a commercial enterprise;

23 (16) the defendant is convicted of an offense specified in
24 AS 17.17 and the offense involved the smuggling of a controlled sub-
25 stance into the state;

26 (17) the defendant is convicted of an offense specified in
27 AS 17.17 and the offense involved the distribution of a controlled
28 substance that had been adulterated with a toxic substance.

29 * Sec. 9. AS 12.55.155(d) is amended by adding new paragraphs to read:

1 (13) the defendant is convicted of an offense specified in
2 AS 17.17 and the offense involved small quantities of a controlled
3 substance;

4 (14) the defendant is convicted of an offense specified in
5 AS 17.17 and the offense involved the distribution of a controlled
6 substance, other than a Schedule I controlled substance, to a personal
7 acquaintance who is 18 years of age or older for no profit;

8 (15) the defendant is convicted of an offense specified in
9 AS 17.17 and the offense involved the possession of a small amount of a
10 controlled substance for personal use in the defendant's home.

11 * Sec. 10. AS 44.29.020 is amended to read:

12 Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Health
13 and Social Services shall administer the state programs of public health
14 and social services, including: (1) maternal and child health services;
15 (2) preventive medical services; (3) public health nursing services; (4)
16 sanitation and engineering services; (5) nutrition services; (6) health
17 education; (7) laboratories; (8) mental health treatment and diagnosis;
18 (9) management of state institutions; (10) medical facilities; (11) old
19 age assistance; (12) aid to dependent children; (13) aid to the blind;
20 (14) child welfare services; (15) general relief; (16) licensing and
21 supervision of child care facilities; [AND] (17) probation and parole
22 supervision; and (18) control of drug abuse in accordance with AS 17.17.

23 * Sec. 11. (a) Prosecution for a violation of law occurring before the
24 effective date of this Act is not affected or abated by this Act. If the
25 offense being prosecuted is similar to one defined in AS 17.17, then the
26 penalties under AS 17.17 apply if they are less than those under the prior
27 law.

28 (b) Civil seizures or forfeitures and injunctive proceedings begun
29 before the effective date of this Act are not affected by this Act.

1 (c) Administrative proceedings pending under laws which are superseded
2 by this Act shall be continued and brought to a final determination in ac-
3 cordance with the laws in effect before the effective date of this Act.

4 (d) The commissioner of health and social services shall permit a
5 person who owns or operates an establishment engaged in the manufacture,
6 distribution, or dispensing of a controlled substance on or before the effec-
7 tive date of this Act and who is registered or licensed by the state to
8 register under AS 17.17.

9 (e) This Act applies to violations of law, seizures and forfeitures,
10 injunctive proceedings, administrative proceedings, and investigations which
11 occur on or after the effective date of this Act.

12 * Sec. 12. Orders issued and regulations adopted under a law affected by
13 this Act and in effect on the effective date of this Act and not in conflict
14 with this Act continue in effect until modified, superseded, or repealed.

15 * Sec. 13. AS 17.10; AS 17.12.010 - 17.12.100, 17.12.110(a) - (c), 17.12.-
16 120 - 17.12.150; and AS 17.15 are repealed.

17 * Sec. 14. This Act takes effect October 1, 1980.

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