

Introduced: 5/4/79  
Referred: Judiciary

BY RANDOLPH, ANDERSON, BEIRNE,  
BETTISWORTH, COTTEN, MCKINNON,  
MOSS, PARKER AND ROGERS

1 IN THE HOUSE

2 HOUSE BILL NO. 497

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act directing the Code Revision Commission to  
7 undertake in 1981 a policy review of certain state drug  
8 and narcotic laws and make recommendations on whether  
9 those laws should be continued; repealing those laws  
10 July 1, 1982; and providing for an effective date."

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

12 \* Section. 1. The intent of the legislature in passing this Act is to  
13 identify and recommend changes in law needed to bring the law into harmony  
14 with current conditions. The Code Revision Commission is directed to review  
15 state law relating to drugs and narcotics and, following hearings, report its  
16 findings, together with recommendations for amendment, termination or contin-  
17 uation of the law, to the Legislative Council. This Act requires the Code  
18 Revision Commission to hold hearings and make its report well before the  
19 established repeal date so that those recommendations can be considered  
20 before the effective date of repeal.

21 \* Sec. 2. AS 11.51.130(3) is repealed and re-enacted to read:

22 (3) induces, causes, or permits a child under 18 years of age  
23 to use or participate in the use of narcotic, depressant, hallucino-  
24 genic, or stimulant drugs; or

25 \* Sec. 3. AS 17.10.010 is amended to read:

26 Sec. 17.10.010. ACTS PROHIBITED. It is unlawful for any person to  
27 manufacture, possess, have under his control, sell, prescribe, adminis-  
28 ter, dispense, give, barter, supply or distribute in any manner, or  
29 compound any narcotic drug in a manner prohibited by [EXCEPT AS AUTHO-

RIZED IN] this chapter.

\* Sec. 4. AS 17.10 is amended by adding new sections to read:

Sec. 17.10.075. RECORDS. A physician, dentist, veterinarian, or other individual who administers, professionally uses, or prescribes narcotic drugs shall maintain a record by patient of narcotic drugs administered, dispensed, professionally used, or prescribed by him. The information may be included in patient records maintained.

Sec. 17.10.085. APOTHECARY RECORDS. An apothecary shall keep records of all narcotic drugs received and disposed of by him in accordance with the provisions of AS 17.10.090.

\* Sec. 5. AS 17.10.090 is amended to read:

Sec. 17.10.090. FORM AND PRESERVATION OF RECORDS. The form of records shall be prescribed by the Board of Pharmacy. [THE RECORD OF NARCOTIC DRUGS RECEIVED SHALL IN EVERY CASE SHOW THE DATE OF RECEIPT, THE NAME AND ADDRESS OF THE PERSON FROM WHOM RECEIVED, AND THE KIND AND QUANTITY OF DRUGS RECEIVED; THE KIND AND QUANTITY OF NARCOTIC DRUGS PRODUCED OR REMOVED FROM PROCESS OF MANUFACTURE, AND THE DATE OF SUCH PRODUCTION OR REMOVAL FROM PROCESS OF MANUFACTURE; AND THE RECORD SHALL IN EVERY CASE SHOW THE PROPORTION OF MORPHINE, COCAINE, OR ECGONINE CONTAINED IN OR PRODUCIBLE FROM CRUDE OPIUM OR COCA LEAVES RECEIVED OR PRODUCED AND THE PROPORTION OF RESIN CONTAINED IN OR PRODUCIBLE FROM THE PLANT CANNABIS SATIVA L.] The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered, or dispensed, and the kind and quantity of drugs. Every record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially

1 the [SAME] information as is specified above, constitutes compliance  
2 with this section [EXCEPT THAT THE RECORD SHALL CONTAIN A DETAILED LIST  
3 OF NARCOTIC DRUGS LOST, DESTROYED, OR STOLEN, IF ANY, THE KIND AND  
4 QUANTITY OF THOSE DRUGS, AND THE DATE OF THE DISCOVERY OF THE LOSS,  
5 DESTRUCTION, OR THEFT].

6 \* Sec. 6. AS 17.10.200(b) is amended to read:

7 (b) A person who violates any provision of this chapter relating  
8 to the keeping of records by persons administering, prescribing, or pro-  
9 professionally using [AUTHORIZED TO ADMINISTER OR PROFESSIONALLY USE]  
10 narcotic drugs, upon conviction, is punishable by a fine of not less  
11 than \$500 nor more than \$5,000 [, OR BY IMPRISONMENT FOR NOT LESS THAN  
12 ONE YEAR NOR MORE THAN FIVE YEARS, OR BY BOTH].

13 \* Sec. 7. AS 17.12.010 is amended to read:

14 Sec. 17.12.010. ACTS PROHIBITED. It [EXCEPT AS OTHERWISE PROVIDED  
15 IN THIS CHAPTER, IT] is unlawful for a person to manufacture, compound,  
16 counterfeit, possess, have under his control, sell, prescribe, adminis-  
17 ter, dispense, give, barter, supply or distribute in any manner, a  
18 depressant, hallucinogenic or stimulant drug in violation of the provi-  
19 sions of this chapter.

20 \* Sec. 8. AS 17.12 is amended by adding a new section to read:

21 Sec. 17.12.015. PENALTY. A person who violates a provision of  
22 this chapter relating to the keeping of records by persons selling,  
23 delivering, or otherwise disposing of a depressant, hallucinogenic or  
24 stimulant drug, upon conviction, is punishable by a fine of not less  
25 than \$500 nor more than \$5,000.

26 \* Sec. 9. AS 17.12.050 is amended to read:

27 Sec. 17.12.050. RECORDS. [A PERSON ENGAGED IN MANUFACTURING,  
28 COMPOUNDING, PROCESSING, SELLING, DELIVERING OR OTHERWISE DISPOSING OF A  
29 DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUG SHALL, UPON THE EFFECTIVE

1 DATE OF THIS CHAPTER, PREPARE A COMPLETE AND ACCURATE RECORD OF ALL  
2 STOCKS OF EACH DRUG ON HAND AND SHALL KEEP THE RECORD FOR THREE YEARS.  
3 IF THIS RECORD HAS ALREADY BEEN PREPARED IN ACCORDANCE WITH FEDERAL LAW  
4 NO ADDITIONAL RECORD IS REQUIRED IF ALL OF THESE RECORDS HAVE BEEN  
5 RETAINED AND ARE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST. ON AND  
6 AFTER AUGUST 4, 1968, A PERSON MANUFACTURING, COMPOUNDING, OR PROCESSING  
7 A DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUG SHALL PREPARE AND KEEP,  
8 FOR NOT LESS THAN THREE YEARS, A COMPLETE AND ACCURATE RECORD OF THE  
9 KIND AND QUANTITY OF EACH DRUG MANUFACTURED, COMPOUNDED, OR PROCESSED  
10 AND THE DATE OF THE MANUFACTURE, COMPOUNDING, OR PROCESSING.] A person  
11 selling, delivering, or otherwise disposing of a depressant, hallucino-  
12 genic or stimulant drug shall prepare or obtain, and keep for not less  
13 than three years, a complete and accurate record of the kind and quan-  
14 tity of each drug received, sold, delivered, or otherwise disposed of,  
15 the name and address from whom it was received and to whom it was sold,  
16 delivered, or otherwise disposed of, and the date of the transaction.  
17 The provisions of this section do not apply to a licensed practitioner  
18 with respect to a depressant, hallucinogenic or stimulant drug received,  
19 prepared, processed, administered, or dispensed by him in the course of  
20 his professional practice, unless the practitioner regularly engages in  
21 dispensing these drugs to his patients for which they are charged,  
22 either separately or together with charges for other professional ser-  
23 vices.

24 \* Sec. 10. The following laws are repealed: AS 17.10.020 - 17.10.080;  
25 17.10.110 - 17.10.190; 17.10.200(a), (c), and (d), 17.10.212 - 17.10.220,  
26 17.10.230(4), (5), (7), (8), (15) and (17); AS 17.12.020 - 17.12.030, 17.12.-  
27 040(c), 17.12.060(a) and (b), 17.12.070 - 17.12.080, 17.12.100 - 17.12.140;  
28 AS 17.15.010 - 17.15.040, 17.15.060 - 17.15.110; and AS 18.65.085.

29 \* Sec. 11. POLICY REVIEW AND RECOMMENDATIONS. (a) No later than July 1,

1 1981, the Code Revision Commission shall initiate a policy review, as autho-  
2 rized under AS 24.20.075(c), of the laws amended and repealed by this Act.  
3 The review process shall include the scheduling of public hearings to take  
4 testimony from interested persons.

5 (b) The Code Revision Commission shall make recommendations to the  
6 Legislative Council not later than 30 days before the convening of the 1982  
7 session of the legislature; the commission may include in its recommendations  
8 proposals for legislation.

9 \* Sec. 12. CONTINUATION OF LAW. Notwithstanding any provision of this  
10 Act, the laws amended or repealed effective July 1, 1982 continue in full  
11 force and effect until that time and it is no bar to a prosecution commenced  
12 before July 1, 1982 that the laws are amended or repealed on that date.

13 \* Sec. 13. Sections 2 - 10 of this Act take effect July 1, 1982. Sec-  
14 tions 1, 11 and 12 of this Act take effect immediately in accordance with  
15 AS 01.10.070(c).

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