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1 IN THE HOUSE

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 338

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act prohibiting access by minors to premises where
7 drug paraphernalia is offered for sale."

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

9 * Section 1. AS 11.66 is amended by adding a new section to read:

10 ARTICLE 3. DRUGS AND DRUG PARAPHERNALIA.

11 Sec. 11.66.300. MINORS ON PREMISES WHERE DRUG PARAPHERNALIA IS
12 OFFERED FOR SALE. (a) A person under the age of 18 years may not
13 knowingly enter or remain on premises in which drug paraphernalia is
14 sold or offered for sale.

15 (b) A person may not with criminal negligence allow a person
16 under the age of 18 years to enter and remain on premises in which drug
17 paraphernalia is sold or offered for sale. For purposes of this sub-
18 section, a person acts "with criminal negligence" when he fails to
19 perceive that a person under the age of 18 years has entered onto the
20 premises, and the failure to perceive constitutes a gross deviation
21 from the standard of care that a reasonable person would observe in the
22 situation.

23 (c) A person who violates this section is guilty, upon conviction,
24 of a class A misdemeanor.

25 (d) In this section,

26 (1) "controlled substance" means a narcotic drug as defined
27 in AS 17.10.230(13) or in a regulation adopted under AS 17.10, or a
28 depressant, hallucinogenic, or stimulant drug as defined in AS 17.12.-
29 150(3) or a regulation adopted under AS 17.12;

1 (2) "drug paraphernalia" means equipment, products, and
2 materials of any kind which are used or intended for use in planting,
3 propagating, cultivating, growing, harvesting, manufacturing, compound-
4 ing, converting, producing, processing, preparing, testing, analyzing,
5 packaging, repackaging, storing, containing, concealing, injecting,
6 ingesting, inhaling, or otherwise introducing into the human body a
7 controlled substance in violation of AS 17.10 or AS 17.12; "drug para-
8 phernalia" includes, but is not limited to,

9 (A) kits used or intended for use in planting, propa-
10 gating, cultivating, growing or harvesting of any species of plant
11 which is a controlled substance or from which a controlled sub-
12 stance can be derived;

13 (B) kits used or intended for use in manufacturing,
14 compounding, converting, producing, processing, or preparing
15 controlled substances;

16 (C) isomerization devices used or intended for use in
17 increasing the potency of a species of plant which is a controlled
18 substance;

19 (D) testing equipment used or intended for use in
20 identifying, or in analyzing the strength, effectiveness, or
21 purity of controlled substances;

22 (E) scales and balances used or intended for use in
23 weighing or measuring controlled substances;

24 (F) diluents and adulterants, such as quinine hydro-
25 chloride, mannitol, mannite, dextrose and lactose, used or in-
26 tended for use in cutting controlled substances;

27 (G) separation gins and sifters used or intended for
28 use in removing twigs and seeds from, or in otherwise cleaning or
29 refining, marijuana;

1 (H) blenders, bowls, containers, spoons, and mixing
2 devices used or intended for use in compounding controlled sub-
3 stances;

4 (I) capsules, balloons, envelopes, and other containers
5 used or intended for use in packaging small quantities of con-
6 trolled substances;

7 (J) containers and other objects used or intended for
8 use in storing or concealing controlled substances;

9 (K) hypodermic syringes, needles, and other objects
10 used or intended for use in parenterally injecting controlled
11 substances into the human body;

12 (L) objects used or intended for use in ingesting,
13 inhaling, or otherwise introducing marijuana, cocaine, hashish, or
14 hashish oil into the human body, such as

15 (i) metal, wooden, acrylic, glass, stone, plastic,
16 or ceramic pipes with or without screens, permanent screens,
17 hashish heads, or punctured metal bowls;

18 (ii) water pipes;

19 (iii) carburetion tubes and devices;

20 (iv) smoking and carburetion masks;

21 (v) roach clips, meaning objects used to hold
22 burning material, such as a marijuana cigarette, that has
23 become too small or too short to be held in the hand;

24 (vi) miniature cocaine spoons and cocaine vials;

25 (vii) chamber pipes;

26 (viii) carburetor pipes;

27 (ix) electric pipes;

28 (x) air-driven pipes;

29 (xi) chillums;



(xii) bongs;

(xiii) ice pipes or chillers.

(e) This section does not apply to the premises of a pharmacy or a hospital, or the offices of a medical doctor, osteopath, dentist, or optometrist.

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