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Referred: Judiciary

1 IN THE HOUSE

BY ROGERS

2 HOUSE BILL NO. 620

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the drug laws and making amendments
7 to the criminal laws of the state; and providing for
8 an effective date."

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

10 * Section 1. DECLARATION OF LEGISLATIVE PURPOSE. (a) The purposes of
11 this Act are to consolidate and revise Alaska's drug laws so that they are
12 patterned after the Uniform Controlled Substances Act and the Federal Con-
13 trolled Substances Act of 1970 and to enact uniform penalty provisions in
14 conformity with the 1978 revision of Alaska's criminal code to effectively
15 combat illicit trafficking in controlled substances.

16 (b) Two distinct, but interrelated, concerns are addressed in this
17 Act. The first concern is the detrimental effect on public safety created
18 through illicit trafficking in and use of drugs. A second, equally important
19 concern, is the effect on public health created by the use and abuse of
20 drugs. It is the intent of the legislature that, in addressing public
21 safety concerns, uniform classification and penalty provisions be enacted
22 which adopt an approach reflecting law enforcement problems unique to Alaska.
23 It is also the intent of the legislature that in addressing public health
24 concerns, a statutory scheme be enacted which is patterned after federal law
25 and that the legitimate manufacture, distribution, prescription, and dis-
26 pensing of controlled substances be subject to a regulatory scheme regarding
27 registration, record keeping, order forms, and prescription requirements
28 that is identical to that provided under federal law.

29 * Sec. 2. AS 11 is amended by adding a new chapter to read:

1 CHAPTER 71. CONTROLLED SUBSTANCES.

2 ARTICLE 1. OFFENSES RELATING TO CONTROLLED SUBSTANCES.

3 Sec. 11.71.010. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
4 THE FIRST DEGREE. (a) Except as authorized in AS 17.30, a person
5 commits the crime of misconduct involving a controlled substance in the
6 first degree if he manufactures any amount of a schedule IA controlled
7 substance or delivers any amount of a schedule IA controlled substance
8 to a person under 19 years of age who is at least three years younger
9 than he.

10 (b) Misconduct involving a controlled substance in the first
11 degree is an unclassified felony and is punishable as provided in
12 AS 12.55.

13 Sec. 11.71.020. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
14 THE SECOND DEGREE. (a) Except as authorized in AS 17.30, a person
15 commits the crime of misconduct involving a controlled substance in the
16 second degree if he

17 (1) manufactures any amount of a schedule IIA or IIIA con-
18 trolled substance; or

19 (2) delivers

20 (A) 50 or more capsules, tablets, ampules, or syrettes
21 containing a schedule IA controlled substance or one-eighth ounce
22 or more of a schedule IA controlled substance; or

23 (B) 50 or more capsules, tablets, ampules, or syrettes
24 containing a schedule IIA controlled substance or one-half ounce
25 or more of a schedule IIA controlled substance; or

26 (3) possesses

27 (A) 100 or more capsules, tablets, ampules, or syrettes
28 containing a schedule IA controlled substance or one ounce or more
29 of a schedule IA controlled substance; or

1 (B) 200 or more capsules, tablets, ampules, or syrettes
2 containing a schedule IIA controlled substance or two ounces or
3 more of a schedule IIA controlled substance; or

4 (4) delivers any amount of a schedule IIA or IIIA controlled
5 substance to a person under 19 years of age who is at least three years
6 younger than he.

7 (b) Misconduct involving a controlled substance in the second
8 degree is a class A felony.

9 Sec. 11.71.030. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
10 THE THIRD DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
11 person commits the crime of misconduct involving a controlled substance
12 in the third degree if he

13 (1) manufactures any amount of a schedule IVA and VA con-
14 trolled substance; or

15 (2) delivers

16 (A) any amount of a schedule IVA, VA, or VIA controlled
17 substance to a person under 19 years of age who is at least three
18 years younger than he; or

19 (B) an amount less than 50 capsules, tablets, ampules,
20 or syrettes containing a schedule IA or IIA controlled substance
21 or less than one-eighth ounce of a schedule IA controlled substance
22 or less than one-half ounce of a schedule IIA controlled substance;
23 or

24 (C) 50 or more capsules, tablets, ampules, or syrettes
25 containing a schedule IIIA controlled substance or more than
26 one-half ounce of a schedule IIIA controlled substance; or

27 (D) at least 50 capsules, tablets, ampules, or syrettes
28 containing a schedule IVA controlled substance or more than one-
29 half ounce of a schedule IVA controlled substance; or

1 (3) possesses

2 (A) at least 50, but less than 100, capsules, tablets,
3 ampules, or syrettes containing a schedule IA controlled substance
4 or one-quarter ounce or more but less than one ounce of a schedule
5 IA controlled substance; or

6 (B) at least 100, but less than 200, capsules, tablets,
7 ampules, or syrettes containing a schedule IIA controlled substance
8 or one-half ounce or more but less than two ounces of a schedule
9 IIA controlled substance; or

10 (C) 400 or more capsules, tablets, ampules, or syrettes
11 containing a schedule IIIA controlled substance or two ounces or
12 more of a schedule IIIA controlled substance; or

13 (4) being 18 years of age or older, possesses any amount of
14 a schedule IA or IIA controlled substance within the grounds of or on a
15 parking lot immediately adjacent to a public or private preschool,
16 elementary, junior high, or secondary school.

17 (b) It is a defense to a prosecution under (a)(4) of this section
18 that at the time of the possession the school was closed to any organ-
19 ized activity involving persons under 18 years of age, or that there
20 were no persons under 18 years of age in the same room with or in the
21 immediate vicinity of the defendant at the time of the possession.
22 Nothing in this subsection precludes a prosecution under any other
23 provision of this section or any other section of this chapter.

24 (c) Misconduct involving a controlled substance in the third
25 degree is a class B felony.

26 Sec. 11.71.040. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
27 THE FOURTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35,
28 a person commits the crime of misconduct involving a controlled sub-
29 stance in the fourth degree if he

1 (1) manufactures any amount of a schedule VA, or VIA con-
2 trolled substance; or

3 (2) delivers

4 (A) an amount less than 50 capsules, tablets, ampules,
5 or syrettes containing a schedule IIIA controlled substance or
6 less than one-half ounce of a schedule IIIA controlled substance;
7 or

8 (B) an amount less than 50 capsules, tablets, ampules,
9 or syrettes containing a schedule IVA controlled substance or less
10 than one-half ounce of a schedule IVA controlled substance; or

11 (C) 50 or more capsules, tablets, ampules, or syrettes
12 containing a schedule VA controlled substance or one-half ounce or
13 more of a schedule VA controlled substance; or

14 (D) one-half pound or more of a schedule VIA controlled
15 substance; or

16 (3) possesses

17 (A) 25 or more, but fewer than 50, capsules, tablets,
18 ampules, or syrettes containing a schedule IA controlled substance
19 or one-eighth ounce or more, but less than one-quarter ounce, of a
20 schedule IA controlled substance; or

21 (B) at least 50, but less than 100, capsules, tablets,
22 ampules, or syrettes containing a schedule IIA controlled substance
23 or one-quarter ounce or more, but less than one-half ounce, of a
24 schedule IIA controlled substance; or

25 (C) at least 100, but less than 400, capsules, tablets,
26 ampules, or syrettes containing a schedule IIIA controlled sub-
27 stance or one-half ounce or more, but less than two ounces, of a
28 schedule IIIA controlled substance; or

29 (D) 100 or more capsules, tablets, ampules, or syrettes

1 containing a schedule IVA controlled substance or one-half ounce
2 or more of a schedule IVA controlled substance; or

3 (E) 400 or more capsules, tablets, ampules, or syrettes
4 containing a schedule VA controlled substance or one ounce or more
5 of a schedule VA controlled substance; or

6 (4) being 18 years of age or older, possesses any amount of
7 a schedule IIIA, IVA, VA, or VIA controlled substance within the grounds
8 of or on a parking lot immediately adjacent to a public or private
9 preschool, elementary, junior high, or secondary school;

10 (5) knowingly keeps or maintains any store, shop, warehouse,
11 dwelling, building, vehicle, boat, aircraft, or other structure or
12 place which is used for keeping or distributing controlled substances
13 in violation of this chapter or AS 17.30;

14 (6) makes, delivers, or possesses a punch, die, plate,
15 stone, or other thing which prints, imprints, or reproduces a trade-
16 mark, trade name, or other identifying mark, imprint, or device of
17 another or any likeness of any of these upon a drug, drug container, or
18 labeling so as to render the drug a counterfeit substance;

19 (7) knowingly uses in the course of the manufacture or dis-
20 tribution of a controlled substance a registration number which is
21 fictitious, revoked, suspended, or issued to another person;

22 (8) knowingly furnishes false or fraudulent information in
23 or omits material information from any application, report, record, or
24 other document required to be kept or filed under AS 17.30;

25 (9) obtains possession of a controlled substance by mis-
26 representation, fraud, forgery, deception or subterfuge; or

27 (10) affixes a false or forged label to a package or other
28 container containing any controlled substance.

29 (b) It is a defense to a prosecution under (a)(4) of this section

1 that at the time of the possession the school was closed to any organ-
2 ized activity involving persons under 18 years of age or that there
3 were no persons under 18 years of age in the same room with or in the
4 immediate vicinity of the defendant at the time of the possession.
5 Nothing in this subsection precludes a prosecution under any other pro-
6 vision of this section or any other section of this chapter.

7 (c) Nothing in (a)(5) or (6) of this section precludes a prosecu-
8 tion or civil proceeding brought under any other provision of this sec-
9 tion or any other section of this chapter or under AS 17.

10 (d) Misconduct involving a controlled substance in the fourth
11 degree is a class C felony.

12 Sec. 11.71.050. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
13 THE FIFTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
14 person commits the crime of misconduct involving a controlled substance
15 in the fifth degree if he

16 (1) delivers an amount

17 (A) less than 50 capsules, tablets, ampules, or syrettes
18 containing a schedule VA controlled substance or less than one-half
19 ounce of a schedule VA controlled substance; or

20 (B) less than one-half pound of a schedule VIA con-
21 trolled substance; or

22 (2) possesses an amount

23 (A) less than 25 capsules, tablets, ampules, or syrettes
24 containing a schedule IA controlled substance or less than one-
25 eighth ounce of a schedule IA controlled substance; or

26 (B) less than 50 capsules, tablets, ampules, or syrettes
27 containing a schedule IIA controlled substance or less than one-
28 quarter ounce of a schedule IIA controlled substance; or

29 (C) less than 100 capsules, tablets, ampules, or

1 syrettes containing a schedule IIIA controlled substance or less
2 than one-half ounce of a schedule IIIA controlled substance; or

3 (D) less than 100 capsules, tablets, ampules, or
4 syrettes containing a schedule IVA controlled substance or less
5 than one-half ounce of a schedule IVA controlled substance; or

6 (E) less than 400 capsules, tablets, ampules, or
7 syrettes containing a schedule VA controlled substance or less
8 than one ounce of a schedule VA controlled substance; or

9 (F) 2.2 pounds or more of a schedule VIA controlled
10 substance; or

11 (2) fails to make, keep, or furnish any record, notification,
12 order form, statement, invoice, or information required under AS 17.30.

13 (b) Misconduct involving a controlled substance in the fifth
14 degree is a class A misdemeanor, except that delivery of one ounce or
15 less of a schedule VIA controlled substance without receiving remunera-
16 tion is a class B misdemeanor.

17 Sec. 11.71.060. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
18 THE SIXTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
19 person commits the crime of misconduct involving a controlled substance
20 in the sixth degree if he

21 (1) knowingly possesses any amount of a schedule VIA con-
22 trolled substance within his immediate control while operating a pro-
23 pelled vehicle; or

24 (2) possesses one pound or more but less than 2.2 pounds of
25 a schedule VIA controlled substance; or

26 (3) refuses entry into a premises for an inspection autho-
27 rized under AS 17.30.

28 (b) Misconduct involving a controlled substance in the sixth
29 degree is a class B misdemeanor.

1 Sec. 11.71.070. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
2 THE SEVENTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35,
3 a person commits the offense of misconduct involving a controlled sub-
4 stance in the seventh degree if he

5 (1) uses or displays any amount of a schedule VIA controlled
6 substance or possesses any amount of a schedule VIA controlled substance
7 on a public street or sidewalk or on the premises of a public carrier
8 or business establishment or in any other public place; or

9 (2) being under 19 years of age, possesses any amount of a
10 schedule VIA controlled substance.

11 (b) Misconduct involving a controlled substance in the seventh
12 degree is a violation.

13 ARTICLE 2. STANDARDS AND SCHEDULES.

14 Sec. 11.71.100. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)
15 The Controlled Substances Advisory Committee is established in the
16 Department of Law. The committee consists of

17 (1) the attorney general or the designee of the attorney
18 general;

19 (2) the commissioner of health and social services or the
20 designee of the commissioner;

21 (3) the commissioner of public safety or the designee of the
22 commissioner;

23 (4) the chairman of the Board of Pharmacy or the designee of
24 the chairman who shall also be a member of the Board of Pharmacy;

25 (5) a peace officer appointed by the governor after consul-
26 tation with the Alaska Association of Chiefs of Police;

27 (6) a physician appointed by the governor;

28 (7) a psychiatrist appointed by the governor; and

29 (8) two individuals appointed by the governor.

1 (b) Members of the committee appointed under (a)(5) - (8) of this
2 section serve terms of four years. A member of the committee receives
3 no salary but is entitled to per diem and travel expenses authorized by
4 law for boards and commissions under AS 39.20.180.

5 (c) The attorney general is the chairman of the committee.

6 (d) The committee meets at the call of the attorney general.

7 (e) The committee may not meet less than twice a year.

8 (f) Five members of the committee constitute a quorum.

9 Sec. 11.71.110. DUTIES OF COMMITTEE. The committee shall

10 (1) determine the need to add or delete substances to the
11 schedules set out in AS 11.71.140 - 11.71.190;

12 (2) recommend regulations for adoption by the Board of
13 Pharmacy to prevent excessive prescription of controlled substances and
14 the diversion of prescription drugs into illicit channels;

15 (3) evaluate the effectiveness of programs in the state
16 providing treatment and counseling for persons who abuse controlled
17 substances;

18 (4) recommend programs to the Alaska Court System to be in-
19 stituted as alternatives to the prosecution or imprisonment of offenders
20 who have no prior criminal record involving controlled substance of-
21 fenses and who are charged with crimes involving controlled substances;

22 (5) review and evaluate enforcement policies and practices
23 of the Department of Public Safety and the Department of Law with
24 regard to crimes involving controlled substances, and recommend modi-
25 fications of those policies and practices consistent with the commit-
26 tee's assessment of the probable danger of particular controlled sub-
27 stances; and

28 (6) review budget requests and recommend amounts for appro-
29 priations to the governor and the legislature for departments and

1 agencies responsible for

2 (A) enforcing criminal laws pertaining to controlled
3 substances;

4 (B) providing treatment and counseling of persons who
5 abuse controlled substances; and

6 (C) regulating the legitimate handling of controlled
7 substances.

8 Sec. 11.71.120. AUTHORITY TO SCHEDULE CONTROLLED SUBSTANCES. (a)

9 If, after considering the factors set out in (c) of this section, the
10 committee finds that a substance should be added or deleted to a
11 schedule of controlled substances under AS 11.71.140 - 11.71.190, the
12 attorney general shall adopt a regulation under the Administrative
13 Procedure Act (AS 44.62) in accordance with the committee's findings.
14 The committee shall prescribe the effective date of a regulation
15 adopted under this section. This date may not be earlier than the 60th
16 day of the next regular session of the legislature following adoption
17 of the regulation. Within 10 days after the convening of a regular
18 session of the legislature, the committee shall submit to the legisla-
19 ture a regulation adopted under this section that has not taken effect
20 and shall submit findings of fact and other information that it con-
21 siders appropriate. If the legislature annuls a regulation adopted
22 under this section by statute, the regulation may not be readopted
23 within three years after the annulment.

24 (b) If a substance is added or deleted as a controlled substance
25 under federal law and notice of the addition is given to the attorney
26 general, the committee shall give notice under AS 44.62.190 of proposed
27 adoption of a regulation making a corresponding change in the Alaska
28 schedules and shall hold a hearing under AS 44.62.210. The committee
29 shall submit the regulation to the legislature as provided in (a) of

1 this section. If the committee decides not to adopt the regulation, it
2 shall file with the lieutenant governor a notice of that decision along
3 with findings of fact.

4 (c) In making a determination regarding the addition or deletion
5 of a substance under (a) of this section the committee shall assess the
6 danger or probable danger of the substance after considering the follow-
7 ing:

8 (1) the actual or probable abuse of the substance including:

9 (A) the history and current pattern of abuse both in
10 this state and in other states;

11 (B) the scope, duration, and significance of abuse;

12 (C) the degree of actual or probable detriment that may
13 result from abuse of the substance;

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

16 (2) the biomedical hazard of the substance including

17 (A) its pharmacology, the effects and modifiers of the
18 effects of the substance;

19 (B) its toxicology, the acute and chronic toxicity,
20 interaction with other substances, whether controlled or not, and
21 the degree to which it may cause psychological or physiological
22 dependence;

23 (C) the risk to public health and the particular sus-
24 ceptibility of segments of the population;

25 (3) whether the substance is an immediate precursor of a
26 substance already controlled under this chapter;

27 (4) the current state of scientific knowledge regarding the
28 substance, including whether there is any acceptable means to safely
29 use the substance under medical supervision;

1 (5) the relationship between the use of the substance and
2 other criminal activity, including

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

5 (B) whether the nature and relative profitability of
6 manufacturing or delivering the substance encourages illicit
7 trafficking in the substance;

8 (C) whether the commission of other crimes is one of
9 the effects of abuse of the substance;

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

12 (d) If the committee designates a substance as an immediate
13 precursor of a controlled substance, a precursor of that immediate
14 precursor is not subject to control solely because it is a precursor of
15 the immediate precursor.

16 (e) The committee has no authority over tobacco or intoxicating
17 liquor as defined in AS 04.20.010.

18 Sec. 11.71.130. NOMENCLATURE. Controlled substances are listed
19 in the schedules in AS 11.71.140 - 11.71.190 by official, common,
20 usual, chemical, or trade designation and by slang terms if applicable.
21 In a prosecution or other proceeding under this chapter, it is not a
22 defense and it is immaterial that a slang term is listed after more
23 than one controlled substance, that a slang term listed after a con-
24 trolled substance is inaccurately applied to that controlled substance,
25 that no slang term is listed after a controlled substance, or that
26 slang terms other than those listed may apply to a controlled substance.
27 The use of a slang term is not required in a complaint, indictment, or
28 information charging a violation of this chapter, and the failure to
29 specify a slang term, or the use of an improper slang term in a com-

1 plaint, indictment, or information is not grounds for dismissal of the
2 charging document, or for an instruction directing an acquittal of the
3 charge.

4 Sec. 11.71.140. SCHEDULE IA. (a) A substance shall be placed in
5 schedule IA if it is found under AS 11.71.120(c) to have the highest
6 degree of danger or probable danger to a person or the public.

7 (b) Substances, vegetable origin or chemical synthesis. Schedule
8 IA includes, unless specifically excepted or listed in another schedule,
9 any of the following substances whether produced directly or indirectly
10 by extraction from substances of vegetable origin, or independently by
11 means of chemical synthesis, or by a combination of extraction and
12 chemical synthesis:

13 (1) opium and opiate, and any salt, compound, derivative, or
14 preparation of opium or opiate, excluding apomorphine, dextrophan,
15 nalbuphine, naloxone, and naltrexone, and their respective salts, but
16 including the following:

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

19 (B) opium extracts;

20 (C) opium fluid extracts;

21 (D) powdered opium;

22 (E) granulated opium;

23 (F) tincture of opium;

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

25 (H) ethylmorphine;

26 (I) etorphine hydrochloride;

27 (J) hydrocodone;

28 (K) hydromorphone;

29 (L) metopon;

1 (M) morphine (slang terms: cube, first line, hocus,
2 Emma, morph, morpho, mud, white stuff, hard stuff, M, unkie);

3 (N) oxycodone;

4 (O) oxymorphone;

5 (P) thebaine;

6 (2) any salt, compound, derivative, or preparation of a
7 substance included in (b)(1) of this section that is chemically equiva-
8 lent or identical to any of the substances referred to in (b)(1) of
9 this section; however, these substances do not include the isoquinoline
10 alkaloids of opium;

11 (3) opium poppy and poppy straw;

12 (4) concentrate of poppy straw that is the crude extract of
13 poppy straw in either liquid, solid, or powder form that contains the
14 phennanthrine alkaloids of the opium poppy.

15 (c) Opiates. Schedule IA includes, unless specifically excepted
16 or unless listed in another schedule, any of the following opiates,
17 including their isomers, esters, ethers, salts and salts of isomers,
18 esters, and ethers, whenever the existence of these isomers, esters,
19 ethers, and salts is possible within the specific chemical designation,
20 dextrorphan excepted:

21 (1) acetylmethadol;

22 (2) allylprodine;

23 (3) alphacetylmethadol;

24 (4) alphameprodine;

25 (5) alphamethadol;

26 (6) alphaprodine;

27 (7) anileridine;

28 (8) benzethidine;

29 (9) betacetylmethadol;

- 1 (10) betameprodine;
- 2 (11) betamethadol;
- 3 (12) betaprodine;
- 4 (13) bezitramide;
- 5 (14) clonitazene;
- 6 (15) dextromoramide;
- 7 (16) diampromide;
- 8 (17) diethylthiambutene;
- 9 (18) difenoxin;
- 10 (19) dihydrocodeine;
- 11 (20) dimenoxadol;
- 12 (21) dimepheptanol;
- 13 (22) dimethylthiambutene;
- 14 (23) dioxaphetyl butyrate;
- 15 (24) diphenoxylate;
- 16 (25) dipipanone;
- 17 (26) ethylmethylthiambutene;
- 18 (27) etonitazene;
- 19 (28) etoxeridine;
- 20 (29) fentanyl;
- 21 (30) furethidine;
- 22 (31) hydroxpethidine;
- 23 (32) isomethadone;
- 24 (33) ketobemidone;
- 25 (34) levomethorphan;
- 26 (35) levomoramide;
- 27 (36) levorphanol;
- 28 (37) levophenacymorphan;
- 29 (38) metaxocine;

- 1 (39) methadone;
- 2 (40) methadone-intermediate, 4-cyano-2-dimethylamino-4,
3 4-diphenyl butane;
- 4 (41) moramide-intermediate, 2-methyl-3-morpholino-1,
5 1-diphenylpropane-carboxylic acid;
- 6 (42) morpheridine;
- 7 (43) noracymethadol;
- 8 (44) norlevorphanol;
- 9 (45) normethadone;
- 10 (46) norpipanone;
- 11 (47) pethidine, also known as meperidine;
- 12 (48) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenyl
13 piperidine;
- 14 (49) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
15 carboxylate;
- 16 (50) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
17 carboxylic acid;
- 18 (51) phenadoxone;
- 19 (52) phenampromide;
- 20 (53) phenazocine;
- 21 (54) phenomorphan;
- 22 (55) phenoperidine;
- 23 (56) piminodine;
- 24 (57) piritramide;
- 25 (58) propheptazine;
- 26 (59) properidine;
- 27 (60) propiran;
- 28 (61) racemethorphan;
- 29 (62) racemoramide;

1 (63) racemorphan;

2 (64) trimeperidine.

3 (d) Opium derivatives. Schedule IA includes, unless specifically
4 excepted or unless listed in another schedule, any of the following
5 opium derivatives, their salts, isomers, and salts of isomers whenever
6 the existence of these salts, isomers, and salts of isomers is possible
7 within the specific chemical designation:

8 (1) acetorphine;

9 (2) acetyldihydrocodeine;

10 (3) benzylmorphine;

11 (4) codeine methylbromide;

12 (5) codeine-n-oxide;

13 (6) cyprenorphine;

14 (7) desomorphine;

15 (8) dihydromorphine;

16 (9) drotebanol;

17 (10) etorphine, except hydrochloride salt;

18 (11) heroin (slang terms: big H, boy, brown, brown sugar,
19 caballo, Chinese red, chiva, crap, doojee, H, Harry, horse, junk,
20 Mexican mud, powder, scag, smack, stuff, thing, joy powder, white
21 stuff, sugar, hairy, skag, schmeck);

22 (12) hydromorphinol;

23 (13) methyl-desorphine;

24 (14) methyldihydromorphine;

25 (15) morphine methylbromide;

26 (16) morphine methylsulfonate;

27 (17) morphine-n-oxide;

28 (18) myrophine;

29 (19) nicocodeine;

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- (20) nicomorphine;
- (21) normorphine;
- (22) pholcodine;
- (23) thebacon.

Sec. 11.71.150. SCHEDULE IIA. (a) A substance shall be placed in schedule IIA if it is found under AS 11.71.120(c) to have a degree of danger or probable danger to a person or the public that is less than substances listed in schedule IA, but higher than substances listed in schedule IIIA.

(b) Hallucinogens. Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, or that contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of these salts, isomers, or salts of isomers is possible within the specific chemical designation:

- (1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as 4-bromo-2,5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;
- (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-methylphenethylamine and 2,5-DMA;
- (3) 4-methoxyamphetamine, also known as 4-methoxy-a-methylphenethylamine and paramethoxyamphetamine, PMA;
- (4) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-methyl-2,5 - dimethoxy-a-methylphenethylamine (slang terms: DOM, MDA, STP, serenity, tranquility, and peace, cone drug);
- (6) 3,4-methylenedioxy amphetamine;
- (7) 3,4,5-trimethoxy amphetamine;
- (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-

1 hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dimethylsero-
2 tonin; 5-hydroxy-N, N-dimethyltryptamine, and mappine;

3 (9) diethyltryptamine, also known as N,N-diethyltryptamine
4 and DET;

5 (10) dimethyltryptamine, also known as DMT (slang terms:
6 businessman's special, lunch-hour trip);

7 (11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12,
8 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1',2': 1, 2] azepino [5,
9 4-b] indole and tabernanthe iboga;

10 (12) lysergic acid diethylamide, also known as LSD (slang
11 terms: Alice D, acid, beast, big D, blue cheer, blue heaven, blue
12 mist, brown dots, California sunshine, chocolate chips, coffee, contact
13 lens, cupcakes, haze, mellow yellows, microdots, orange mushrooms,
14 orange wedges, Owlsley, paper acid, royal blue, strawberry fields,
15 sugar, sunshine, the hawk, wedges, white lightning, window pane,
16 yellows, cubes, 25, Lucy in the sky with diamonds);

17 (13) mescaline (slang terms: mesc, mescal, moon);

18 (14) n-ethyl-3-piperidyl benzilate;

19 (15) n-methyl-3-piperidyl benzilate (slang term: LBJ)

20 (16) peyote (slang terms: buttons, cactus, mescal buttons,
21 mesc, mescal plants);

22 (17) analogs of phencyclidine (PCP), including:

23 (A) ethylamine analog, also known by some trade or
24 other names as follows: N-ethyl-1-phenylcyclohexylamine (1-phenyl-
25 cyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclo-
26 hexamine, PCE;

27 (B) pyrrolidine analog, also known by some trade or
28 other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY,
29 PHP;

1 (C) thiophene analog, also known as 1-[1-(2-thienyl)
2 cyclohexyl] piperidine and 2-thienyl analog of phencyclidine, TCP,
3 and TCP;

4 (18) psilocybin (slang terms: magic mushroom, mushroom);

5 (19) psilocyn (slang terms: magic mushroom, mushroom).

6 (c) Cocaine and coca leaves. Schedule IIA includes cocaine or
7 coca leaves, and any salt, compound, derivative, mixture, isomer,
8 ester, ether, or preparation of cocaine or coca leaves produced direct-
9 ly or indirectly by extraction from coca leaves, or independently by
10 means of chemical synthesis, or by a combination of extraction and
11 chemical synthesis, including the isomers, salts, and salts of isomers
12 of cocaine and other derivatives of coca leaves whenever the existence
13 of these esters, ethers, isomers or salts is possible, but does not
14 include decocainized coca leaves or extractions of coca leaves which do
15 not contain cocaine or ecgonine (slang terms: Bernice, bernies, big C,
16 blow, C, coke, dream, flake, girl, gold dust, heaven dust, nose candy,
17 paradise, rock, white, happy dust, speedballs, snow birds, Cecil,
18 stardust, Corine, Carrie, dust, Burese).

19 (d) Depressants. Schedule IIA includes, unless specifically
20 excepted or unless listed in another schedule, any material, compound,
21 mixture, or preparation that contains any quantity of the following
22 substances having a depressant effect on the central nervous system,
23 including their salts, isomers, and salts of isomers whenever the
24 existence of these salts, isomers, and salts of isomers is possible
25 within the specific chemical designation:

26 (1) amobarbital (slang terms: barbs, block busters, Christ-
27 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
28 goofballs, goofs, tuinal, tuies, rainbow, double trouble, reds and
29 blues);

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(2) mandrix or mandrax;

(3) mecloqualone;

(4) methaqualone (slang terms: ludes, quas, quads, soapers, sopes);

(5) pentobarbital (slang terms: barbs, block busters, Christmas trees, downers, green dragons, peanuts, sleeping pills, stumblers, goofballs, goofs, yellow jackets, yellows, nimbys, nimbies, nobbies);

(6) phencyclidine, also known as PCP (slang terms: angel dust, DOA (Dead on Arrival), hog, killer weed (when combined with marijuana or other plant material), peace pill);

(7) secobarbital (slang terms: barbs, block busters, Christmas trees, downers, green dragons, peanuts, sleeping pills, stumblers, goofballs, goofs, tuinal, tuies, rainbow, double trouble, reds and blues, red birds, red devils, seccy, pink, seggy, pink ladies, marshmallow reds, Mexican reds).

(e) Stimulants. Schedule IIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers (slang terms: beans, bennies, black beauties, blackbirds, black Mollies, bumblebees, cartweels, chalk, chicken powder, copilots, crank, crossroads, crystal, dexies, double cross, eye openers, hearts, jelly beans, lightning, meth, minibennies, nuggets, oranges, pep pills, speed, roses, thrusters, truck drivers, turnabouts, uppers, ups, wake-ups, peaches, whites, browns, greenies, bombido, jugs, bottles, lid proppers, football, coast-to-coast, L.A. turnabouts);

(2) methamphetamine, its salts, isomers, and salts of its

1 isomers (slang terms: bombido, crystal, meth, speed, splash);

2 (3) methlyphenidate;

3 (4) phenmetrazine and its salts.

4 (f) Immediate Precursors. Schedule IIA includes, unless specifi-
5 cally excepted or unless listed in another schedule, any material,
6 mixture, or preparation that contains any quantity of the following
7 substances:

8 (1) immediate precursor to amphetamine and methamphetamine:
9 phenylacetone, also known as phenyl-2-propanone; P2P; benzyl methyl
10 ketone; methyl benzyl ketone;

11 (2) immediate precursors to phencyclidine, also known as
12 PCP:

13 (A) 1-phencylclohexylamine;

14 (B) 1-piperidinocyclohexanecarbonitrile, also known as
15 PCC.

16 Sec. 11.71.160. SCHEDULE IIIA. (a) A substance shall be placed
17 in schedule IIIA if it is found under AS 11.71.120(c) to have a degree
18 of danger or probable danger to a person or the public less than the
19 substances listed in schedule IIA but higher than substances listed in
20 schedule IVA.

21 (b) Stimulants. Schedule IIIA includes, unless specifically
22 excepted or unless listed in another schedule, any material, compound,
23 mixture, or preparation that contains any quantity of the following
24 substances having a stimulant effect on the central nervous system,
25 including their salts, isomers whether optical, position, or geometric,
26 and salts of these isomers whenever the existence of these salts,
27 isomers, and salts of isomers is possible within the specific chemical
28 designation:

29 (1) benzphetamine;

1 (2) chlorphentermine;

2 (3) clortermine;

3 (4) mazindol;

4 (5) phendimetrazine;

5 (6) any compound, mixture, or preparation in dosage unit
6 form containing any stimulant substance listed in schedule IIA, which
7 compound, mixture, or preparation was listed on August 25, 1971, as an
8 excepted compound under 21 C.F.R. sec. 308.32, and any other drug of
9 the quantitative composition shown in that list for those substances, or
10 which is the same except that it contains a lesser quantity of any
11 controlled substance.

12 (c) Depressants. Schedule IIIA includes, unless specifically
13 excepted or unless listed in another schedule, any material, compound,
14 mixture, or preparation that contains any quantity of the following
15 substances having a depressant effect on the central nervous system:

16 (1) amobarbital, secobarbital, or pentobarbital or any salt
17 of these substances, combined with one or more other active medicinal
18 ingredients that are not listed in any other schedule;

19 (2) amobarbital, secobarbital, or pentobarbital or any salt
20 of these substances, approved by the federal Food and Drug Administra-
21 tion for marketing only as a suppository;

22 (3) any substance that contains any quantity of a deri-
23 vative of barbituric acid or any salt of barbituric acid;

24 (4) chlorhexadol;

25 (5) glutethimide (slang terms: C.D., cibas);

26 (6) lysergic acid;

27 (7) lysergic acid amide;

28 (8) methyprylon;

29 (9) sulfondiethylmethane;

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(10) sulfonethylmethane;

(11) sulfonmethane.

(d) Nalorphine. Schedule IIIA includes nalorphine.

(e) Narcotics. Schedule IIIA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in the following quantities:

(1) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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

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

(5) not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

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

(7) not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized thera-

1 peutic amounts;

2 (8) not more than 50 milligrams of morphine per 100 milli-
3 liters or per 100 grams, with one or more active, nonnarcotic ingredi-
4 ents in recognized therapeutic amounts.

5 Sec. 11.71.170. SCHEDULE IVA. (a) A substance shall be placed
6 in schedule IVA if it is found under AS 11.71.120(c) to have a degree
7 of danger or probable danger to a person or the public that is less
8 than the substances listed in schedule IIIA, but higher than the sub-
9 stances listed in schedule VA.

10 (b) Depressants. Schedule IVA includes, unless specifically
11 excepted or unless listed in another schedule, any material, compound,
12 mixture, or preparation that contains any quantity of the following
13 substances, including their salts, isomers and salts of isomers when-
14 ever the existence of these salts, isomers, and salts of isomers is
15 possible within the specific chemical designation:

- 16 (1) barbital;
- 17 (2) chloral betaine;
- 18 (3) cloral hydrate (slang terms: Knockout drops, Mickey
19 Finn, Mickey, Peter);
- 20 (4) chlordiazepoxide;
- 21 (5) clonazepam;
- 22 (6) clorazepate;
- 23 (7) diazepam;
- 24 (8) ethchlorvynol;
- 25 (9) ethinamate;
- 26 (10) flurazepam;
- 27 (11) lorazepam;
- 28 (12) mebutamate;
- 29 (13) meprobamate;

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- (14) methohexital;
- (15) methylphenobarbital, also known as mephobarbital;
- (16) oxazepam;
- (17) paraldehyde;
- (18) petrichloral;
- (19) phenobarbital;
- (20) prazepam.

(c) Fenfluramine. Schedule IVA includes any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers whether optical, position, or geometric, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible: fenfluramine.

(d) Stimulants. Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers whether optical, position, or geometric, and salts of these isomers whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) diethylpropion;
- (2) phentermine;
- (3) pemoline, including organometallic complexes and chelates of this substance.

(e) Narcotics. Schedule IVA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or their salts calculated as the free anhydrous base or alkaloid.

1 (f) Other substances. Schedule IVA includes, unless specifically
2 excepted or unless listed in another schedule, any material, compound,
3 mixture, or preparation that contains any quantity of the following
4 substances, including their salts:

5 (1) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
6 diphenyl-3-methyl-2-propionoxybutane);

7 (2) pentazocine.

8 Sec. 11.71.180. SCHEDULE VA. (a) A substance shall be placed in
9 schedule VA if it is found under AS 11.71.120(c) to have a degree of
10 danger or probable danger to a person or the public that is less than
11 substances listed in schedule IVA, but higher than substances listed in
12 schedule VIA.

13 (b) Narcotics. Schedule VA includes any compound, mixture, or
14 preparation containing any of the following limited quantities of
15 narcotic drugs or their salts, calculated as the free anhydrous base or
16 alkaloid, in limited quantities as specified in (1) - (6) of this sub-
17 section, which includes one or more nonnarcotic active medicinal ingre-
18 dients in sufficient proportion to confer upon the compound, mixture,
19 or preparation valuable medicinal qualities other than those possessed
20 by schedule IA substances alone:

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

23 (2) not more than 100 milligrams of dihydrocodeine per 100
24 milliliters or per 100 grams;

25 (3) not more than 100 milligrams of ethylmorphine per 100
26 milliliters or per 100 grams;

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

29 (5) not more than 100 milligrams of opium per 100 milli-

1 liters or per 100 grams;

2 (6) not more than 0.5 milligrams of difenoxin and not less
3 than 25 micrograms of atropine sulfate per dosage unit.

4 (c) Loperamide. Schedule VA includes loperamide.

5 Sec. 11.71.190. SCHEDULE VIA. (a) A substance shall be placed
6 in Schedule VIA if it is found under AS 11.71.120(c) to have the lowest
7 degree of danger or probable danger to a person or the public.

8 (b) Marijuana. Schedule VIA controlled substances include mari-
9 juana (slang terms: Acapulco gold, broccoli, bush, dry high, gage,
10 ganga, grass, griffo, hay, hemp, herb, J, Jay, Jane, Mary Jane, mot,
11 mutah, Panama red, pod, pot, reefer, sativa, smoke, stick, tea, weed,
12 stuff, rope, joints, Texas tea, goof butt, jive, sweet lunch, stinkweed,
13 locoweed, mezz, Mary Waner, Indian hay, fu, bobo bush).

14 (c) Hashish, hash oil or hashish oil and tetrahydrocannabinols
15 (slang terms: black Russian, hash, kif, quarter moon, soles).

16 Sec. 11.71.195. EXEMPTED DRUGS. A substance the manufacture,
17 distribution, dispensing, or possession of which is explicitly exempt
18 from criminal penalty under federal law is exempt from the application
19 of this chapter and AS 17.30. This exemption includes any substances
20 which may, under the federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 sec. 301 et seq.) be lawfully sold over the counter without a prescrip-
22 tion. This exemption also includes those substances listed in 21
23 C.F.R. sec. 1308.22 on April 1, 1980.

24 ARTICLE 3. MISCELLANEOUS PROVISIONS.

25 Sec. 11.71.300. PENALTIES UNDER OTHER LAWS. A penalty imposed
26 for violation of this chapter is in addition to, and not in place of,
27 any other civil or administrative penalty or sanction otherwise autho-
28 rized by law.

29 Sec. 11.71.310. BAR TO PROSECUTION. If a violation of this

1 chapter is a violation of a federal law or the law of another state, a
2 conviction or acquittal under federal law or the law of another state
3 for the same act is a bar to prosecution in this state.

4 Sec. 11.71.330. LIABILITY OF PUBLIC SERVANTS. No liability is
5 imposed by this chapter upon a public servant acting within the scope
6 and authority of his employment.

7 Sec. 11.71.340. OFFENSES DEFINED BY AMOUNTS. Whenever a pro-
8 vision of this chapter defining an offense requires a determination of
9 an amount, it is not a defense to the lowest class of offense estab-
10 lished by the evidence that the amount in question was equal to or
11 larger than the amount which would make the offense a higher class of
12 offense, and a person may be charged and convicted accordingly.

13 Sec. 11.71.360. UNPRIVILEGED COMMUNICATIONS. Information commu-
14 nicated to a physician or other licensed practitioner in an effort to
15 unlawfully procure a controlled substance or to unlawfully procure the
16 administration of a controlled substance is not a privileged communi-
17 cation.

18 ARTICLE 4. DEFINITIONS.

19 Sec. 11.71.900. DEFINITIONS. In this chapter, unless the context
20 clearly requires otherwise,

21 (1) "administer" means the direct application of a con-
22 trolled substance, whether by injection, inhalation, ingestion, or any
23 other means into the body of a patient or research subject by

24 (A) a practitioner or, in the practitioner's presence,
25 by his authorized agent; or

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

28 (2) "agent" means an authorized person who acts on behalf of
29 or at the direction of a manufacturer, distributor, or dispenser, but

1 does not include a common or contract carrier, public warehouseman, or
2 employee of the carrier or warehouseman;

3 (3) "committee" means the Controlled Substances Advisory
4 Committee established in AS 11.71.100;

5 (4) "controlled substance" means a drug, substance, or im-
6 mediate precursor included in the schedules set out in AS 11.71.140 -
7 11.71.190;

8 (5) "counterfeit substance" means a controlled substance
9 that, without authorization, bears the trademark, trade name, or other
10 identifying mark, imprint, number, or device of a manufacturer, distri-
11 butor, or dispenser other than the person or persons who in fact manu-
12 factured, distributed, or dispensed the substance and that falsely
13 purports or is represented to be the product of, or to have been distri-
14 buted by, the other manufacturer, distributor, or dispenser;

15 (6) "deliver" or "delivery" means the actual, constructive,
16 or attempted knowing transfer from one person to another of a controlled
17 substance whether or not there is an agency relationship;

18 (7) "dispense" means to deliver a controlled substance to an
19 ultimate user or research subject by or under the lawful order of a
20 practitioner, including the prescribing, administering, packaging, la-
21 beling, or compounding necessary to prepare the substance for that de-
22 livery; "dispenser" means a practitioner who dispenses;

23 (8) "distribute" means to deliver other than by administer-
24 ing or dispensing a controlled substance, whether or not there is any
25 money or other item of value exchanged; it includes sale, gift, or
26 exchange; "distributor" means a person who distributes;

27 (9) "drug"

28 (A) means

29 (1) a substance recognized as a drug in the offi-

1 cial United States Pharmacopoeia, official Homeopathic Phar-
2 macopoeia of the United States, or official National Formu-
3 lary, or any supplement to these publications;

4 (ii) a substance intended for use in the diagnosis,
5 cure, mitigation, treatment, or prevention of disease in
6 humans or animals;

7 (iii) a substance, other than food, intended to
8 affect the structure or any function of the body of humans or
9 animals; and

10 (iv) a substance intended for use as a component of
11 any article specified in (i), (ii), or (iii) of this sub-
12 paragraph;

13 (B) does not include a device or its components, parts,
14 or accessories;

15 (10) "hashish" means the dried, compressed, resinous product
16 of the plant (genus) Cannabis;

17 (11) "hashish oil" means the viscous liquid concentrate of
18 tetrahydrocannabinols extracted from the plant (genus) Cannabis;

19 (12) "immediate precursor" means a substance that is by
20 statute or regulation designated as the principal compound commonly
21 used or produced primarily for use, and that is an immediate chemical
22 intermediary used or likely to be used in the manufacture of a con-
23 trolled substance, the control of which is necessary to prevent, cur-
24 tail, or limit manufacture of that controlled substance;

25 (13) "manufacture"

26 (A) means the production, preparation, propagation,
27 compounding, conversion, growing, or processing of a controlled
28 substance, either directly or indirectly by extraction from sub-
29 stances of natural origin, or independently by means of chemical

1 synthesis, or by a combination of extraction and chemical syn-
2 thesis; however, the growing of marijuana for personal use is not
3 manufacturing;

4 (B) includes the preparation, compounding, packaging,
5 repackaging, labeling or relabeling of a controlled substance or
6 its container unless done in conformity with applicable federal
7 law

8 (i) by a practitioner as an incident to his admin-
9 istering or dispensing of a controlled substance in the
10 course of his professional practice; or

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

15 (14) "marijuana" means the leaves and flowers of the plant
16 (genus) Cannabis, whether growing or not; it does not include the
17 resin or oil extracted from any part of the plant, or any compound,
18 manufacture, salt, derivative, mixture, or preparation from the resin
19 or oil, including hashish, hashish oil, and natural or synthetic
20 tetrahydrocannabinol; it does not include the stems or mature stalks of
21 the plant, fiber produced from the stems or stalks, the seeds of the
22 plant, oil or cake made from the seeds of the plant, any other compound,
23 manufacture salt, derivative, mixture, or preparation of the mature
24 stalks, fiber, oil or cake;

25 (15) "opiate" means

26 (A) a substance having an addiction-forming or addic-
27 tion-sustaining capability similar to morphine or being capable of
28 conversion into a drug having addiction-forming or addiction-sus-
29 taining capability;

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(B) includes its racemic and levorotatory forms; and

(C) does not include, unless specifically designated as controlled under AS 11.71.120 the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan);

(16) "opium poppy" means the plant of any species of Papaver containing the phenanthrine alkaloids of opium, except its seeds;

(17) "peyote" means any part of the plant classified botanically as Lophophora Williamsii Lemaire, whether growing or not, the seeds of the plant, any extract from any part of the plant, and a compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or extracts, including mescaline;

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

(19) "practitioner" means

(A) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in the state;

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

(20) "sale" means to sell, barter, exchange, give, or dispose of to another, in exchange for a thing of value;

(21) "schedule IA controlled substance" means a controlled substance included in the schedule in AS 11.71.140;

1 (22) "schedule IIA controlled substance" means a controlled
2 substance included in the schedule in AS 11.71.150;

3 (23) "schedule IIIA controlled substance" means a controlled
4 substance included in the schedule in AS 11.71.160;

5 (24) "schedule IVA controlled substance" means a controlled
6 substance included in the schedule in AS 11.71.170;

7 (25) "schedule VA controlled substance" means a controlled
8 substance included in the schedule in AS 11.71.180;

9 (26) "schedule VIA controlled substance" means a controlled
10 substance included in the schedule in AS 11.71.190;

11 (27) "ultimate user" means a person who lawfully possesses a
12 controlled substance for his own use or for the use of a member of his
13 household or for administering to an animal owned by him or by a member
14 of his household.

15 * Sec. 3. AS 17 is amended by adding a new chapter to read:

16 CHAPTER 30. CONTROLLED SUBSTANCES.

17 ARTICLE 1. REGULATION OF MANUFACTURE, DISTRIBUTION,
18 PRESCRIPTION, AND DISPENSING OF CONTROLLED SUBSTANCES.

19 Sec. 17.30.010. REGULATIONS. (a) The Board of Pharmacy shall
20 adopt regulations under the Administrative Procedure Act (AS 44.62)
21 that are necessary for the administration of this chapter, and may
22 charge reasonable fees relating to the registration and control of the
23 manufacture, distribution, and dispensing of controlled substances as
24 authorized by federal law in the state.

25 (b) Regulations adopted under this chapter by the board shall be
26 patterned after federal law so that the legitimate manufacture, distri-
27 bution, and dispensing of controlled substances is subject to regula-
28 tions regarding registration, record keeping, order forms and prescrip-
29 tion requirements that are identical to those required by federal law

1 or regulations.

2 Sec. 17.30.020. REGISTRATION REQUIREMENTS. (a) A person who
3 manufactures, distributes, dispenses, or conducts research with a
4 controlled substance in the state or who proposes to manufacture,
5 distribute, or dispense a controlled substance in the state, shall
6 register annually with the board in accordance with regulations adopted
7 under AS 17.30.010.

8 (b) A person registered under this chapter to manufacture, distri-
9 bute, dispense, or conduct research with controlled substances may
10 possess, manufacture, distribute, dispense, or conduct research with
11 those substances to the extent authorized by his registration and in
12 conformity with the other provisions of this chapter.

13 (c) The following persons may lawfully possess controlled sub-
14 stances under this chapter without registration:

15 (1) an agent or employee of a registered manufacturer, dis-
16 tributor, dispenser, or researcher of a controlled substance so long as
17 the possession is incidental to the usual course of his business or
18 employment;

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

22 (3) an ultimate user or a person in possession of a con-
23 trolled substance under a lawful order of a registered practitioner or
24 in lawful possession of a schedule VA controlled substance.

25 (d) The board may, by regulation, waive the requirement for
26 registration of certain manufacturers, distributors, or dispensers if
27 it finds it consistent with public health and safety.

28 (e) A separate registration is required for each principal place
29 of business or professional practice where the applicant manufactures,

1 distributes, or dispenses controlled substances.

2 (f) The board may inspect the establishment of a registrant or
3 applicant for registration in accordance with regulations adopted by
4 the board.

5 Sec. 17.30.030. REGISTRATION. (a) The board shall register an
6 applicant to manufacture, distribute, or dispense controlled substances
7 listed in the schedules established under federal law unless it finds
8 that the registration would be inconsistent with the public interest.
9 In determining the public interest, the board shall consider the follow-
10 ing factors:

11 (1) maintenance of effective controls against diversion of
12 controlled substances into other than legitimate medical, scientific,
13 or industrial channels;

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

15 (3) a conviction of the applicant under federal or state
16 laws relating to controlled substances;

17 (4) past experience in the manufacture, distribution, or
18 dispensing of controlled substances and the existence in the appli-
19 cant's establishment of effective controls against diversion of con-
20 trolled substances into other than legitimate medical, scientific, or
21 industrial channels;

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

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

27 (7) any other factors relevant to and consistent with the
28 public health and safety.

29 (b) A practitioner registered under federal law to conduct re-

1 search with controlled substances shall be issued a registration to
2 conduct research with these substances in the state if the practitioner
3 furnishes the board with evidence of the federal registration.

4 (c) A manufacturer, distributor, or dispenser who complies with
5 federal law pertaining to registration requirements other than fees is
6 entitled to be registered under this chapter.

7 Sec. 17.30.040. DENIAL, REVOCATION AND SUSPENSION OF REGISTRA-
8 TION. (a) A registration applied for or issued under AS 17.30.030 to
9 manufacture, distribute, dispense, or conduct research with a control-
10 led substance may be denied, suspended, or revoked by the board upon a
11 finding that the registrant

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

14 (2) has been convicted of a felony offense under state or
15 federal law; or

16 (3) has had his federal registration to manufacture, dis-
17 tribute, dispense, or conduct research with controlled substances
18 denied, suspended, or revoked.

19 (b) The board may limit the denial, revocation, or suspension of
20 a registration to a particular controlled substance with respect to
21 which grounds for denial, revocation, or suspension exist.

22 (c) If the board denies, suspends, or revokes a registration, all
23 controlled substances owned or possessed by the registrant at the time
24 of the denial or suspension or the effective date of the revocation
25 order may be placed under seal by the board or the Department of Public
26 Safety and remains in the custody of the department, subject only to
27 the orders and decrees of a court having jurisdiction over the property.
28 A disposition may not be made of substances under seal until the time
29 for taking an appeal has elapsed or until all appeals have been con-

1 cluded unless a court, upon application, orders the sale of perishable
2 substances and the deposit of the proceeds of the sale with the court.
3 After a revocation order is final, all controlled substances held by
4 the registrant are forfeited to the state.

5 (d) The board shall promptly notify the Drug Enforcement Admin-
6 istration of the United States Department of Justice of all orders
7 denying, suspending, or revoking registrations and of all forfeitures
8 of controlled substances.

9 Sec. 17.30.050. ORDER TO SHOW CAUSE. (a) Before denying, sus-
10 pending, or revoking a registration, or refusing a renewal of a regis-
11 tration, the board shall serve upon the applicant or registrant an
12 order to show cause why a registration should not be denied, revoked,
13 or suspended, or why a renewal should not be refused. The order to
14 show cause shall contain a statement of the basis for issuance of the
15 order and shall require the applicant or registrant to appear before
16 the board at a time and place not less than 30 days after the date of
17 service of the order. For a refusal of renewal of registration the
18 show cause order must be served not later than 30 days before the
19 expiration of the registration. These proceedings must be conducted in
20 accordance with procedures for administrative adjudication under AS 44.-
21 62.330 - 44.62.630 without regard to criminal prosecution or other
22 proceeding. Proceedings to refuse renewal of registration do not make
23 the existing registration void. The existing registration remains in
24 effect pending the outcome of the administrative hearing.

25 (b) The board may, without an order to show cause, suspend a
26 registration simultaneously with the institution of proceedings under
27 AS 17.30.040 if it finds that there is an imminent danger to the public
28 health or safety which warrants this action. The suspension continues
29 in effect until the conclusion of the proceedings, including judicial

1 review of the proceedings, unless withdrawn by the board or dissolved
2 by a court of competent jurisdiction.

3 Sec. 17.30.060. RECORDS OF REGISTRANTS. A person registered to
4 manufacture, distribute, dispense, or conduct research with controlled
5 substances under this chapter shall keep records and maintain invento-
6 ries in conformance with the record keeping and inventory requirements
7 of federal law and in conformance with additional regulations adopted
8 by the board.

9 Sec. 17.30.070. ORDER FORMS; PRESCRIPTIONS. (a) A controlled
10 substance may be distributed by one registrant to another registrant
11 only if the distribution is in accordance with federal requirements for
12 order forms.

13 (b) A controlled substance may not be dispensed by a practitioner
14 other than in accordance with federal requirements regarding prescrip-
15 tions for controlled substances.

16 (c) If the classification of a controlled substance in a schedule
17 set out in AS 11.71.140 - 11.71.190, or by a regulation adopted in ac-
18 cordance with AS 11.71.120(a), is different from its corresponding
19 classification under federal law, the requirements of (a) and (b) of
20 this section are determined by the classification of the substance un-
21 der federal law.

22 Sec. 17.30.080. UNLAWFUL ADMINISTRATION, PRESCRIPTION AND DIS-
23 PENSATION OF CONTROLLED SUBSTANCES. A controlled substance classified
24 under federal law or in a schedule set out in AS 11.71.140 - 11.71.190
25 or by regulations adopted in accordance with AS 11.71.120(a) may not be
26 administered, prescribed, dispensed, or distributed other than for a
27 medical purpose.

28 **ARTICLE 2. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.**

29 **Sec. 17.30.100. COOPERATIVE ARRANGEMENTS. (a) The commissioner**

1 of public safety shall cooperate with other state and federal agencies
2 in the discharge of their responsibilities pertaining to illicit traffic
3 in controlled substances and in suppressing the abuse of controlled
4 substances. Under this section, the powers of the commissioner of
5 public safety include but are not limited to the following:

6 (1) arranging for the exchange of information among govern-
7 ment officials concerning illicit traffic in and abuse of controlled
8 substances;

9 (2) coordinating training programs pertaining to controlled
10 substances at both local and state levels; and

11 (3) cooperating with the Drug Enforcement Administration of
12 the United States Department of Justice by establishing a centralized
13 unit to accept, catalog, file, and collect statistics, including records
14 of persons who have violated the provisions of this chapter or AS 11.71
15 in the state and making the information available for federal, state,
16 and local law enforcement purposes.

17 (b) The commissioner of public safety may not furnish the name or
18 identity of a patient or research subject whose identity could not be
19 obtained under AS 17.30.150(b).

20 Sec. 17.30.110. FORFEITURES. (a) The following are subject to
21 forfeiture:

22 (1) a controlled substance that has been manufactured,
23 distributed, acquired, or possessed in violation of this chapter;

24 (2) raw materials, products, and equipment that are used in
25 manufacturing or distributing a controlled substance in violation of
26 this chapter;

27 (3) property that is used as a container for property de-
28 scribed in (1) or (2) of this subsection;

29 (4) conveyances, including aircraft, vehicles, or vessels,

1 that are used to transport or in any manner to facilitate transporta-
2 tion of property described in (1) or (2) of this subsection for the
3 purpose of sale or receipt, except

4 (A) a conveyance is not subject to forfeiture under
5 this section if its use in violation of this chapter was committed
6 by a person other than the owner of the conveyance and the owner
7 was not privy to the violation;

8 (B) a forfeiture of a conveyance encumbered by a bona
9 fide security interest at the time of seizure is subject to the
10 interest of the secured party if its use in violation of this
11 chapter was committed by a person other than the secured party and
12 the secured party was not privy to the violation;

13 (5) all books, records, and research products and materials,
14 including formulas, microfilm, tapes, and data that are used in viola-
15 tion of this chapter.

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

20 (c) Property subject to forfeiture under this section may be
21 seized by the commissioner of public safety upon an order issued by the
22 court having jurisdiction over the property upon a showing of probable
23 cause that the property is subject to forfeiture. Seizure without a
24 court order may be made if

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

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

1 (3) there is probable cause that the property was or is
2 being used in violation of this chapter and there is reason to believe
3 that the property will be moved.

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

7 (e) Property seized or detained under this section is in the
8 custody of the Department of Public Safety subject only to the orders
9 and decrees of the court having jurisdiction over the forfeiture pro-
10 ceedings. If property is seized under this section, the Department of
11 Public Safety may

12 (1) place the property under seal;

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

14 or

15 (3) take custody of the property and remove it to an appro-
16 priate location for disposition in accordance with law.

17 (f) Property forfeited under this section shall be disposed of
18 according to court order. The court may order the Department of Public
19 Safety to

20 (1) destroy property harmful to the public;

21 (2) sell the property and use the proceeds for payment of
22 all proper expenses of the proceedings for forfeiture and sale, includ-
23 ing expenses of seizure and custody and court costs;

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

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

1 (5) forward it to the Drug Enforcement Administration for
2 disposition.

3 Sec. 17.30.120. BURDEN OF PROOF; LIABILITIES. (a) It is not
4 necessary for the state to negate an exemption or exception under this
5 chapter in a complaint, information, indictment, or other pleading
6 under this chapter. However, once a person asserts an exemption or
7 exception under this chapter, the burden is upon the state to disprove
8 the existence of the exemption or exception by clear and convincing
9 evidence.

10 (b) In a civil proceeding in rem under this chapter the burden is
11 upon the state to prove by clear and convincing evidence that the item
12 in question is subject to forfeiture.

13 (c) Liability is not imposed by this chapter upon an authorized
14 state or local officer engaged in the lawful performance of his duties.

15 Sec. 17.30.130. JUDICIAL REVIEW. A final determination, finding,
16 or conclusion of the board under this chapter or a regulation adopted
17 under it is a final decision of the matter involved. A person aggrieved
18 by a decision may obtain review of the decision in the superior court
19 in accordance with AS 44.62.560 - 44.62.570. A person is entitled to a
20 hearing de novo in the superior court.

21 Sec. 17.30.140. EDUCATION AND RESEARCH. (a) The commissioner of
22 health and social services shall provide for educational programs
23 designed to prevent and deter the abuse of controlled substances. In
24 connection with these programs, the commissioner may

25 (1) assist the regulated industry and interested groups and
26 organizations in contributing to the reduction of abuse of controlled
27 substances;

28 (2) promote better recognition of the problems surrounding
29 abuse of controlled substances within the regulated industry and among

1 interested groups and organizations;

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

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

7 (5) disseminate the results of research on abuse of con-
8 trolled substances to promote a better public understanding of the
9 problems that exist and their solutions; and

10 (6) with the cooperation of the Department of Law, assist in
11 the education and training of state and local law enforcement officials
12 in their efforts to prevent illicit traffic in and abuse of controlled
13 substances.

14 (b) The commissioner of health and social services shall encourage
15 research on controlled substances and may

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

19 (2) make studies and undertake research to

20 (A) develop new or improved approaches, techniques,
21 systems, equipment, and devices to strengthen the enforcement of
22 this chapter;

23 (B) determine patterns of abuse of controlled sub-
24 stances and their social effects; and

25 (C) improve methods for preventing, predicting, and un-
26 derstanding the abuse of controlled substances;

27 (3) enter into contracts with public agencies, institutions
28 of higher education, and private organizations or individuals for con-
29 ducting research, demonstrations, or special projects that bear directly

1 on abuse of controlled substances and for related research and educa-
2 tional activities.

3 Sec. 17.30.150. CONFIDENTIALITY. (a) Results, information, and
4 evidence received from the Drug Enforcement Administration of the
5 United States Department of Justice relating to the regulatory func-
6 tions of this chapter, including results of inspections conducted by
7 it, may be relied on and acted on by the board in the exercise of its
8 regulatory functions under this chapter.

9 (b) A practitioner engaged in medical practice or research may
10 not furnish the name or identity of a patient or research subject to
11 the board. The practitioner may not otherwise disclose the name or
12 identity of an individual that he is required to keep confidential
13 unless ordered by a court to disclose it within the context of a crim-
14 inal investigation or proceeding.

15 Sec. 17.30.160. DEFINITIONS. (a) Unless the context clearly
16 requires otherwise, the definitions set out in AS 11.71.900 apply to
17 this chapter.

18 (b) In this chapter, "board" means the Board of Pharmacy provided
19 for in AS 08.80.010.

20 * Sec. 4. AS 17 is amended by adding a new chapter to read:

21 CHAPTER 35. ALASKA THERAPEUTIC RESEARCH ACT.

22 Sec. 17.35.010. LEGISLATIVE PURPOSE. The legislature finds that
23 recent research has shown that the use of marijuana may alleviate the
24 nausea and ill effects of cancer chemotherapy and radiology, and,
25 additionally, may alleviate the ill effects of glaucoma. The legis-
26 lature further finds that there is a need for further research and
27 experimentation regarding the use of marijuana under strictly con-
28 trolled circumstances.

29 Sec. 17.35.020. THERAPEUTIC RESEARCH PROGRAM. (a) A therapeutic

1 research program is established in the Board of Pharmacy. The program
2 shall be administered by the board. The board shall adopt regulations
3 necessary for the proper administration of this chapter. Before adopt-
4 ing regulations, the board shall take into consideration pertinent
5 regulations adopted by the Drug Enforcement Administration of the
6 United States Department of Justice, the federal Food and Drug Adminis-
7 tration, and the National Institute on Drug Abuse.

8 (b) Except as provided in AS 17.35.030(e), the therapeutic re-
9 search program is limited to cancer chemotherapy and radiology patients
10 and glaucoma patients, who are certified to the Patient Qualification
11 Review Committee by a practitioner. A patient may not be admitted to
12 the therapeutic research program without full disclosure by the practi-
13 tioner of the experimental nature of this program and of the possible
14 risks and side effects of the proposed treatment.

15 (c) The board shall provide by regulation for a program of regis-
16 tration of therapeutic research projects.

17 Sec. 17.35.030. PATIENT QUALIFICATION REVIEW COMMITTEE. (a) The
18 board shall appoint a Patient Qualification Review Committee to serve
19 at its pleasure. The committee shall consist of four members with the
20 following qualifications:

21 (1) two physicians licensed to practice medicine in the
22 state, one of whom specializes in the practice of ophthalmology;

23 (2) a physician licensed to practice medicine in the state
24 and specializing in the practice of psychiatry; and

25 (3) a physician licensed to practice medicine in the state
26 who specializes in the practice of radiology.

27 (b) Members of the Patient Qualification Review Committee receive
28 no salary but are entitled to per diem for travel and expenses autho-
29 rized by law for boards and commissions.

1 (c) The Patient Qualification Review Committee shall review all
2 applicants for the therapeutic research program and their licensed
3 practitioners and certify their participation in the program.

4 (d) The Patient Qualification Review Committee and the board
5 shall protect the privacy of individuals who participate in the thera-
6 peutic research program by withholding the names and other identifying
7 characteristics of those individuals from all persons who are not
8 connected with the research. Persons authorized to engage in research
9 under the therapeutic research program may not be compelled in any
10 civil, criminal, administrative, legislative, or other proceeding to
11 identify the individuals who are the subjects of research for which the
12 authorization was granted unless necessary to permit the board to
13 determine whether the research is being conducted in accordance with
14 the authorization.

15 (e) The Patient Qualification Review Committee may include other
16 disease groups for participation in the therapeutic research program.
17 However, a practitioner must present pertinent medical data to both the
18 committee and the board before a disease group may be added. The
19 participation of a disease group must be approved by the board consis-
20 tent with applicable regulations adopted by the Drug Enforcement Admin-
21 istration of the United States Department of Justice, the federal Food
22 and Drug Administration, and the National Institute on Drug Abuse.

23 Sec. 17.35.040. SOURCES AND DISTRIBUTION OF MARIJUANA. The board
24 shall ensure that marijuana is made available through whatever means it
25 considers appropriate consistent with applicable regulations adopted by
26 the Drug Enforcement Administration of the United States Department of
27 Justice, the federal Food and Drug Administration, and the National
28 Institute on Drug Abuse, and under this chapter.

29 Sec. 17.35.050. REPORT TO THE GOVERNOR AND LEGISLATURE. The

1 board, in conjunction with the Patient Qualification Review Committee,
2 shall report its findings and recommendations to the governor and the
3 legislature regarding the effectiveness of the therapeutic research
4 program by March 1, 1984.

5 Sec. 17.35.060. DEFINITIONS. In this chapter

6 (1) "board" means the Board of Pharmacy;

7 (2) "marijuana" has the meaning set out in AS 11.71.900(14);

8 (3) "practitioner" means a physician authorized to practice
9 medicine in the state under AS 08.64.

10 * Sec. 5. AS 08.64.380(3)(B) is amended to read:

11 (B) habitual overuse of alcoholic beverages or con-
12 trolled substances [DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUGS,]
13 as defined in AS 11.71.900(4) [AS 17.12.150(3), OR ADDICTION TO
14 THE USE OF NARCOTIC DRUGS AS DEFINED IN AS 17.10.230(13)];

15 * Sec. 6. AS 08.80.040 is amended by adding a new paragraph to read:

16 (10) provide for the regulation of controlled substances
17 under AS 17.30.

18 * Sec. 7. AS 08.80.470 is amended to read:

19 Sec. 08.80.470. CONSTRUCTION. Nothing in this chapter amends,
20 modifies, repeals or otherwise changes any provision of AS 11.71,
21 AS 17.30, [THE UNIFORM NARCOTIC DRUG ACT (AS 17.10)] or the Alaska
22 Food, Drug and Cosmetic Act (AS 17.20).

23 * Sec. 8. AS 08.80.480(20) is repealed and reenacted to read:

24 (20) "controlled substance" has the same meaning set out in
25 AS 11.71.900(4).

26 * Sec. 9. AS 11.31.100(d)(1) is amended to read:

27 (1) class A felony if the crime attempted is an unclassified
28 felony [MURDER IN ANY DEGREE OR KIDNAPPING];

29 * Sec. 10. AS 11.31.110(c)(1) is amended to read:

1 (1) class A felony if the crime solicited is an unclassified
2 felony [MURDER IN ANY DEGREE OR KIDNAPPING];

3 * Sec. 11. AS 11.81.900(b)(4) is amended to read:

4 (4) "cannabis" has the meaning ascribed to it in AS 11.71.-
5 900(10), (11), and (14) [AS 17.12.150];

6 * Sec. 12. AS 11.81.900(b)(6) is repealed and reenacted to read:

7 (6) "controlled substance" has the meaning ascribed to it in
8 AS 11.71.900(4);

9 * Sec. 13. AS 11.81.900(b)(16) is repealed and reenacted to read:

10 (16) "drug" has the meaning ascribed to it in AS 11.71.-
11 900(9);

12 * Sec. 14. AS 12.55.125(b) is amended to read:

13 (b) A defendant convicted of murder in the second degree, [OR]
14 kidnapping, or misconduct involving a controlled substance in the first
15 degree shall be sentenced to a definite term of imprisonment of at
16 least five years but not more than 99 years.

17 * Sec. 15. AS 12.55.155(c) is amended by adding new paragraphs to read:

18 (19) the defendant is convicted of an offense specified in
19 AS 11.71 and the offense involved the delivery of a controlled sub-
20 stance under circumstances manifesting an intent to distribute the
21 substance as part of a commercial enterprise;

22 (20) the defendant is convicted of an offense specified in
23 AS 11.71 and the offense involved the transportation of controlled
24 substances into the state;

25 (21) the defendant is convicted of an offense specified in
26 AS 11.71 and the offense involved large quantities of a controlled
27 substance;

28 (22) the defendant is convicted of an offense specified in
29 AS 11.71 and the offense involved the distribution of a controlled

1 substance that had been adulterated with a toxic substance.

2 * Sec. 16. AS 12.55.155(d) is amended by adding new paragraphs to read:

3 (14) the defendant is convicted of an offense specified in
4 AS 11.71 and the offense involved small quantities of a controlled
5 substance;

6 (15) the defendant is convicted of an offense specified in
7 AS 11.71 and the offense involved the distribution of a controlled
8 substance, other than a schedule IA controlled substance, to a personal
9 acquaintance who is 19 years of age or older for no profit;

10 (16) the defendant is convicted of an offense specified in
11 AS 11.71 and the offense involved the possession of a small amount of a
12 controlled substance for personal use in the defendant's home.

13 * Sec. 17. AS 28.35.030(a)(1) is amended to read:

14 (1) while under the influence of intoxicating liquor, or any
15 controlled substance listed [DEPRESSANT, HALLUCINOGENIC, STIMULANT OR
16 NARCOTIC DRUGS AS DEFINED] in AS 11.71.140 - 11.71.190 [AS 17.10.230-
17 (13) AND AS 17.12.150(3)];

18 * Sec. 18. (a) Prosecution for a violation of law occurring before
19 January 1, 1982, is not affected or abated by this Act. Violation of any
20 law repealed by this Act may still be prosecuted and brought to a final
21 determination in accordance with the laws and regulations in effect at the
22 time of the violation.

23 (b) This Act does not apply to a civil seizure, forfeiture, or injunc-
24 tive proceeding commenced before January 1, 1982.

25 (c) Administrative proceedings pending under a law repealed or amended
26 by this Act shall be continued and brought to a final determination in
27 accordance with the laws and regulations in effect before January 1, 1982.

28 (d) The Board of Pharmacy shall permit persons who own or operate an
29 establishment engaged in the manufacture, distribution, or dispensing of a

1 controlled substance to register before January 1, 1982.

2 (e) This Act applies to violations of law, seizures, forfeitures,
3 injunctive proceedings, administrative proceedings, and investigations which
4 occur after December 31, 1981.

5 * Sec. 19. Orders issued and regulations adopted under a law amended or
6 repealed by this Act and in effect on January 1, 1982, and not in conflict
7 with this Act continue until amended or repealed.

8 * Sec. 20. The members of the Controlled Substance Advisory Committee
9 first appointed under AS 11.71.100(a)(5) - (8) shall serve terms as follows:

- 10 (1) one member for two years;
11 (2) two members for three years; and
12 (3) two members for four years.

13 * Sec. 21. The Criminal Justice Planning Agency shall conduct a continu-
14 ing evaluation of the operation of this Act including evaluation of the
15 effectiveness of the Act in reducing drug abuse and drug-related crime and
16 shall report to the legislature by March 1 of each year on its findings.

17 * Sec. 22. AS 17.10; AS 17.12; and AS 17.15 are repealed.

18 * Sec. 23. This Act takes effect January 1, 1982.
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