

Offered: 4/30/86
Referred: Judiciary

Original sponsor: Gruenberg

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 560 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to imitation controlled substances."

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

8 * Section 1. AS 11.73.010(a) is amended to read:

9 (a) Except as provided in AS 11.73.050, a person may not manu-
10 facture, deliver, or possess with intent to deliver, an imitation
11 controlled substance with an intent to misrepresent the imitation
12 controlled substance as a controlled substance.

13 * Sec. 2. AS 11.73.030(a) is amended to read:

14 (a) Except as provided in AS 11.73.050, a person 19 years of age
15 or older may not, with an intent to misrepresent the imitation
16 controlled substance as a controlled substance, deliver an imitation
17 controlled substance to a person under 19 years of age, who is at
18 least three years younger than the person delivering the substance.

19 * Sec. 3. AS 11.73.099(3) is amended to read:

20 (3) "imitation controlled substance" means a substance
21 containing ephedrine, ephedrine sulfate, pseudoephedrine, pseudoephe-
22 drine hydrochloride, phenylpropanolamine, caffeine, theophylline,
23 lidocaine, procaine, tetracaine, dyclonine, acetaminophen,
24 salicylamide, doxylamine, diphenhydramine, pheniramine, chlorpheni-
25 ramine, or pryrilamine, or their salts, that is not a controlled
26 substance, and that by dosage unit appearance (including color, shape,
27 size, and markings) and [OR] by representations would lead a reason-
28 able person to believe that the substance is a controlled substance;
29 the term "representations", as used in this paragraph, includes

- 1 (A) statements made by an owner or by anyone else in
2 control of the substance concerning the nature of the substance,
3 or its use or effect;
- 4 (B) statements made to the recipient that the sub-
5 stance may be resold for inordinate profit;
- 6 (C) whether the substance is packaged in a manner
7 normally used for controlled substances;
- 8 (D) evasive tactics or actions used by the owner or
9 person in control of the substance to avoid detection by law
10 enforcement authorities;
- 11 (E) the storage, packaging, presentation, display of
12 or reference to a controlled substance with, near, or in connec-
13 tion with the activity involving the imitation controlled sub-
14 stance.