

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 326

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act amending the controlled substance and
7 imitation controlled substance laws."

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

9 * Section 1. AS 11.71.140(b)(1) is amended to read:

10 (1) opium and opiate, and any salt, compound, preparation
11 or opium or opiate, excluding apomorphine, dextrorphan, nalbuphine,
12 nalmefene, naloxone, and naltrexone, and their respective salts, but
13 including the following:

- 14 (A) raw opium;
15 (B) opium extracts;
16 (C) opium fluid extracts;
17 (D) powdered opium;
18 (E) granulated opium;
19 (F) tincture of opium;
20 (G) codeine;
21 (H) ethylmorphine;
22 (I) etorphine hydrochloride;
23 (J) hydrocodone;
24 (K) hydromorphone;
25 (L) metopon;
26 (M) morphine;
27 (N) oxycodone;
28 (O) oxymorphone;
29 (P) thebaine;

1 * Sec. 2. AS 11.71.140(c) is amended by adding new paragraphs to read:

2 (66) alfentanil;

3 (67) alpha-methylfentanyl, (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

4 (68) bulk dextropropoxyphane (non-dosage form);

5 (69) sufentanil;

6 (70) tilidine.

7 * Sec. 3. AS 11.71.140 is amended by adding a new subsection to read:

8 (a) Schedule IA includes, unless specifically excepted or unless
9 listed in another schedule, any material, compound, mixture or preparation
10 which contains any quantity of the following substances:

11 (1) 3-methylfentanyl, [[N-[3-methyl-1-(2-phenylethyl-4-piperidyl)-N-phenylpropanamide]], its optical and geometric isomers,
12 salts, and salts of isomers;

13 (2) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its
14 salts, and salts of isomers;

15 (3) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine
16 (PEPAP), its optical isomers, salts, and salts of isomers;

17 (4) acetyl-alpha-methylfentanyl, N-[1-(1-methyl-2-phenyl)-
18 ethyl-4-piperidyl]-N-phenylacetamide, its optical isomers, salts, and
19 salts of isomers;

20 (5) alpha-methylthiofentanyl, N-[1-(1-methyl-2-(2-thienyl)-
21 ethyl)-4-piperidyl]-N-phenylpropanamide, its optical isomers, salts,
22 and salts of isomers;

23 (6) benzylfentanyl, N-[1-benzyl-4-piperidyl]-N-phenylpropanamide,
24 its optical isomers, salts, and salts of isomers;

25 (7) beta-hydroxyfentanyl, N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide, its optical isomers, salts, and
26

1 salts of isomers;

2 (8) beta-hydroxy-3-methylfentanyl, N-[3-methyl-1-(2-hy-
3 droxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide, its optical and
4 geometric isomers, salts, and salts of isomers;

5 (9) 3-methylthiofentanyl, N-[3-methyl-1-(2-(2-thienyl)-eth-
6 yl)-4-piperidyl]-N-phenyl-propanamide, its optical and geometric
7 isomers, salts, and salts of isomers;

8 (10) thenylfentanyl, N-[1-(2-thienyl)methyl-4-piperidyl]-
9 N-phenylpropanamide, its optical isomers, salts, and salts of isomers;

10 (11) thiofentanyl, N-[1-(2-(2-thienyl)ethyl)-4-piperi-
11 dyl]-N-phenylpropanamide, its optical isomers, salts, and salts of
12 isomers.

13 * Sec. 4. AS 11.71.150(e) is amended to read:

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

18 (1) amphetamine, its salts, optical isomers, and salts of
19 its optical isomers;

20 (2) methamphetamine, its salts, isomers, and salts of its
21 isomers;

22 (3) methylphenidate;

23 (4) phenmetrazine and its salts;

24 (5) fenethylamine;

25 (6) N-ethylamphetamine;

26 (7) 3,4-methylenedioxymethamphetamine (MDMA).

27 * Sec. 5. AS 11.71.160(b) is amended to read:

28 (b) Schedule IIIA includes, unless specifically excepted or
29 unless listed in another schedule, any material, compound, mixture, or

1 preparation which contains any quantity of the following substances
2 having a stimulant effect on the central nervous system, including
3 their salts, isomers whether optical, position, or geometric, and
4 salts of these isomers whenever the existence of these salts, isomers,
5 and salts of isomers is possible within the specific chemical desig-
6 nation:

7 (1) bensephetamine;

8 (2) chlorphentermine;

9 (3) clortermine;

10 [(4) MAZINDOL;]

11 (4) [(5)] phendimetrazine;

12 (5) [(6)] any compound, mixture, or preparation in dosage
13 unit form containing any stimulant substance listed in schedule IIA,
14 which compound, mixture, or preparation was listed on August 25, 1971,
15 as an excepted compound under 21 C.F.R. sec. 1308.32, and any other
16 drug of the quantitative composition shown in that list for those
17 substances, or which is the same except that it contains a lesser
18 quantity of any controlled substance.

19 * Sec. 6. AS 11.71.160(f) is amended by adding a new paragraph to read:

20 (4) parahexyl.

21 * Sec. 7. AS 11.71.170(b) is amended by adding new paragraphs to read:

22 (21) alprazolam;

23 (22) halazepam;

24 (23) temazepam;

25 (24) triazolam;

26 (25) midazolam;

27 (26) quazepam.

28 * Sec. 8. AS 11.71.170(d) is amended to read:

29 (d) Schedule IVA includes, unless specifically excepted or

1 unless listed in another schedule, any material, compound, mixture, or
2 preparation which contains any quantity of the following substances
3 having a stimulant effect on the central nervous system, including
4 their salts, isomers whether optical, position, or geometric, and
5 salts of these isomers whenever the existence of these salts, isomers,
6 and salts of isomers is possible within the specific chemical designa-
7 tion:

8 (1) diethylpropion;

9 (2) phentermine;

10 (3) pemoline, including organometallic complexes and
11 chelates of this substance;

12 (4) mazindol;

13 (5) pipradol;

14 (6) SPA, ((-)-1-dimethylamino-1,2-diphenylethane).

15 * Sec. 9. AS 11.71.180 is amended by adding a new subsection to read:

16 (d) Schedule VA includes, unless specifically excepted or unless
17 listed in another schedule, any material, compound, mixture or prepa-
18 ration which contains any quantity of the narcotic drug buprenorphine
19 and its salts.

20 * Sec. 10. AS 11.73.099(3) is amended to read:

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

1 "representations," as used in this paragraph, includes

2 (A) statements made by an owner or by anyone else in
3 control of the substance concerning the nature of the substance,
4 or its use or effect;

5 (B) statements made to the recipient that the sub-
6 stance may be resold for inordinate profit;

7 (C) whether the substance is packaged in a manner
8 normally used for controlled substances;

9 (D) evasive tactics or actions used by the owner or
10 person in control of the substance to avoid detection by law
11 enforcement authorities;

12 (E) the storage, packaging, presentation, display of
13 or reference to a controlled substance with, near, or in con-
14 nection with the activity involving the imitation controlled
15 substance.