

1 IN THE HOUSE

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AND SWACKHAMMER

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 32

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act imposing a tax on certain controlled sub-

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stances; and providing for an effective date."

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

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* Section 1. AS 43 is amended by adding a new chapter to read:

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CHAPTER 52. TAX ON CONTROLLED SUBSTANCES.

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Sec. 43.52.010. TAX IMPOSED. (a) There is levied an excise tax

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in the following amounts on the following controlled substances that a

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person possesses in the state:

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(1) \$3.50 on each gram of marijuana;

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(2) \$10.00 on each one-tenth gram of cocaine;

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(3) \$1.00 on each milligram of dilaudid.

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(b) There is levied an excise tax on heroin that a person pos-

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sesses in the state. The tax is \$100 on each one-tenth gram of heroin

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that has a purity of 90 percent or greater. The department may, by

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regulation, adjust the amount of the tax imposed by this subsection

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for heroin of lesser purity, but the amount of the tax imposed by this

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subsection may not be less than \$20 on each one-tenth gram of heroin

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that has a purity of five percent or less.

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Sec. 43.52.020. STAMPS AFFIXED. (a) When a person acquires or

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imports into the state a controlled substance on which the tax under

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this chapter is due, if a stamp or other indicia evidencing payment of

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the tax has not already been affixed, the person shall have the stamp

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or other indicia permanently affixed on the controlled substance imme-

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diately upon receiving the substance.

1 (b) Each stamp or other indicia may be used only once.

2 Sec. 43.52.030. PAYMENT OF TAX. (a) The tax imposed by this
3 chapter is due and payable by the person immediately upon the person's
4 acquisition of the controlled substance.

5 (b) A person who is liable for the tax imposed by this chapter
6 shall pay the face value for each stamp or other indicia of purchase.

7 (c) For purposes of calculating the tax due under this chapter,
8 the controlled substance is measured by the weight of the substance in
9 the person's possession.

10 Sec. 43.52.040. ADMINISTRATION OF CHAPTER. (a) The department
11 shall

12 (1) administer this chapter;

13 (2) collect, supervise, and enforce the collection of taxes
14 due under this chapter and the penalties as provided in AS 43.05; and

15 (3) adopt a uniform system of providing, affixing, and
16 displaying official stamps or other official indicia for controlled
17 substances upon which a tax is imposed.

18 (b) The department may adopt regulations necessary for the
19 administration of this chapter.

20 Sec. 43.52.050. TAX PAYMENT REQUIRED FOR POSSESSION. A person
21 may not possess a controlled substance subject to the tax imposed by
22 this chapter unless

23 (1) the tax has been paid on the controlled substance; and

24 (2) a stamp or other official indicia issued by the depart-
25 ment has been affixed to the controlled substance.

26 Sec. 43.52.060. CRIMINAL PENALTIES. The penalties provided in
27 AS 43.05 apply to the tax levied in this chapter.

28 Sec. 43.52.070. CIVIL PENALTY. A person who is in control of a
29 controlled substance in violation of this chapter is considered to

1 have possession of the controlled substance. A person in possession
2 of a controlled substance in violation of this chapter is personally
3 liable for the tax, plus a penalty of 100 percent.

4 Sec. 43.52.080. CONFIDENTIAL NATURE OF INFORMATION. (a) The
5 commissioner and employees of the department may not reveal facts
6 obtained from a person in the administration of this chapter except in
7 connection with a proceeding involving taxes due under this chapter
8 from the person.

9 (b) Information obtained by the department from a person may not
10 be used against the person in the prosecution of an offense unless the
11 information is obtained independently of the person's acquiring the
12 official stamps or other official indicia required by this chapter.

13 Sec. 43.52.090. ACCOUNTING FOR RECEIPTS. The commissioner of
14 administration shall separately account for money collected under this
15 chapter that the department deposits in the general fund.

16 Sec. 43.52.099. DEFINITIONS. In this chapter

17 (1) "cocaine" includes "coca leaves" and any derivative or
18 extracted substance of cocaine or coca leaves as described in AS 11.-
19 71.150(c);

20 (2) "dilaudid" means hydromorphine hydrochloride, a hydro-
21 genated ketone of morphine, whether in ampule or tablet form;

22 (3) "heroin" means a drug in any form containing that
23 substance;

24 (4) "marijuana" has the meaning given in AS 11.71.900;

25 (5) "tax" means the tax levied by AS 43.52.010.

26 * Sec. 2. This Act takes effect January 1, 1990.