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1 IN THE HOUSE

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HOUSE BILL NO. 441

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act amending schedules IA - VA of the controlled

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substance law and the definition of 'imitation con-

8

trolled substance.'"

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

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

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(1) opium and opiate, and any salt, compound, derivative,

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or preparation of opium or opiate, excluding apomorphine, dextrorphan,

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nalbuphine, nalmefene, naloxone, and naltrexone, and their respective

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salts, but including the following:

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(A) raw opium;

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(B) opium extracts;

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(C) opium fluid extracts;

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(D) powdered opium;

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(E) granulated opium;

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(F) tincture of opium;

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(G) codeine;

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(H) ethylmorphine;

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(I) etorphine hydrochloride;

24

(J) hydrocodone;

25

(K) hydromorphone;

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(L) metopon;

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(M) morphine;

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(N) oxycodone;

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(O) oxymorphone;

1 (P) thebaine;

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

3 (66) alfentanil;

4 (67) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)-

5 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4(N-pro-

6 panilido) piperidine);

7 (68) bulk dextropropoxyphene (non-dosage form);

8 (69) carfentanil;

9 (70) sufentanil;

10 (71) tilidine;

11 (72) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phen-

12 ethyl)-4-piperidinyl] propanamide);

13 (73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-pi-

14 peridyl]-N-phenylpropanamide);

15 (74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phene-

16 tnyl-4-piperidinyl]-N-phenylacetamide);

17 (75) alpha-methylthiofentanyl (N-[1-(1-methyl-2-(2-thienyl)

18 ethyl-4-piperidinyl]-N-phenylpropanamide);

19 (76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4--

20 piperidinyl]-N-phenylpropanamide);

21 (77) beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-

22 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

23 (78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-

24 4-piperidinyl]-N-phenylpropanamide);

25 (79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperi-

26 dinyl]-propanamide);

27 (80) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);

28 (81) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).

29 * Sec. 3. AS 11.71.150(b)(17) is amended to read:

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

2 (A) ethylamine analog, also known by some trade or
3 other names as follows: N-ethyl-1-phenylcyclohexylamine (1-
4 phenylcyclohexyl)-ethylamine, N-(1-phenylcyclohexyl)ethylamine,
5 cyclohexamine, PCE;

6 (B) pyrrolidine analog, also known by some trade or
7 other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY,
8 PHP;

9 (C) thiophene analog, also known as 1-[1-(2-thienyl)
10 cyclohexyl]piperidine and 2-thienylanalog of phencyclidine, TPCP,
11 and TCP;

12 (D) 1-[1-(2-thienyl)-cyclohexyl]-pyrrolidine, also
13 known as TCPy;

14 * Sec. 4. AS 11.71.150(b) is amended by adding a new paragraph to read:
15 (20) 3,4-methylenedioxymethamphetamine (MDMA).

16 * Sec. 5. AS 11.71.150(e) is amended to read:

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

21 (1) amphetamine, its salts, optical isomers, and salts of
22 its optical isomers;

23 (2) methamphetamine, its salts, isomers, and salts of its
24 isomers;

25 (3) methylphenidate;

26 (4) phenmetrazine and its salts;

27 (5) fenethylamine;

28 (6) N-ethylamphetamine;

29 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as

1 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
2 MDE, and MDEA;

3 (8) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
4 N-hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-
5 hydroxy MDA;

6 (9) 4-methylaminorex, also known as 2-amino-4-methyl-5-
7 phenyl-2-oxazoline;

8 (10) N,N-dimethylamphetamine, also known as N,N,alpha-trime-
9 thylybenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts,
10 optical isomers, and salts of optical isomers.

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

12 (12) tiletamine and zolazepam, or any of their salts.

13 * Sec. 7. AS 11.71.160(f) is amended to read:

14 (f) Schedule IIIA includes

15 (1) hashish;

16 (2) hash oil or hashish oil; [AND]

17 (3) tetrahydrocannabinols;

18 (4) parahexyl;

19 (5) dronabinol (synthetic) in sesame oil and encapsulated
20 in a soft gelatin capsule in a U.S. Food and Drug Administration
21 approved drug product; and

22 (6) nabilone.

23 * Sec. 8. AS 11.71.170(b) is amended by adding new paragraphs to read:

24 (21) alprazolam;

25 (22) halazepam;

26 (23) temazepam;

27 (24) triazolam;

28 (25) midazolam;

29 (26) quazepam.

1 * Sec. 9. AS 11.71.170(d) is amended to read:

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

- 10 (1) diethylpropion;
- 11 (2) phentermine;
- 12 (3) pemoline, including organometallic complexes and che-
13 lates of this substance;
- 14 (4) mazindol;
- 15 (5) pipradol;
- 16 (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 17 (7) cathine;
- 18 (8) fencamfamin;
- 19 (9) fenproporex;
- 20 (10) mefenorex.

21 * Sec. 10. AS 11.71.180 is amended by adding new subsections to read:

22 (d) Schedule VA includes, unless specifically excepted or unless
23 listed in another schedule, any material, compound, mixture or prepa-
24 ration that contains any quantity of the narcotic drug buprenorphine
25 and its salts.

26 (e) Schedule VA includes, unless specifically excepted or unless
27 listed in another schedule, any material, compound, mixture, or
28 preparation which contains any quantity of the following substances
29 having a stimulant effect on the central nervous system, including its

1 salts, isomers and salts of isomers:

2 (1) propylhexedrine, except when contained in a Bazedrex
3 inhaler;

4 (2) pyrovalerone.

5 * Sec. 11. AS 11.73.099(3) is amended to read:

6 (3) "imitation controlled substance" means a substance
7 containing ephedrine, ephedrine sulfate, pseudoephedrine, pseudo-
8 ephedrine hydrochloride, phenylpropanolamine, caffeine, theophylline,
9 lidocaine, procaine, tetracaine, dyclonine, acetaminophen, salicyla-
10 mide, doxylamine, diphenhydramine, pheniramine, chlorpheniramine, or
11 pryrilamine, or their salts, that is not a controlled substance, and
12 that by dosage unit appearance (including color, shape, size, and
13 markings) and [OR] by representations would lead a reasonable person
14 to believe that the substance is a controlled substance; the term
15 "representations", as used in this paragraph, includes

16 (A) statements made by an owner or by anyone else in
17 control of the substance concerning the nature of the substance,
18 or its use or effect;

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

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

23 (D) evasive tactics or actions used by the owner or
24 person in control of the substance to avoid detection by law
25 enforcement authorities;

26 (E) the storage, packaging, presentation, display of,
27 or reference to a controlled substance with, near, or in connec-
28 tion with the activity involving the imitation controlled sub-
29 stance.

1 * Sec. 12. AS 11.71.160(b)(4) is repealed.