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Referred: Judiciary

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1 IN THE SENATE

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

2

SENATE BILL NO. 158

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act amending schedules IA -- VA of the controlled  
7 substance law and the definition of 'imitation  
8 controlled substance.'"

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

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

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

- 15 (A) raw opium;  
16 (B) opium extracts;  
17 (C) opium fluid extracts;  
18 (D) powdered opium;  
19 (E) granulated opium;  
20 (F) tincture of opium;  
21 (G) codeine;  
22 (H) ethylmorphine;  
23 (I) etorphine hydrochloride;  
24 (J) hydrocodone;  
25 (K) hydromorphone;  
26 (L) metopon;  
27 (M) morphine;  
28 (N) oxycodone;  
29 (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)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-

5 (N-propanilido) piperidine);

6

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-phenethyl)-4-piperidinyl] propanamide);

12

13 (73) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);

14

15 (74) acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

16

17 (75) alpha-methylthiofentanyl (N-[1-(1-methyl-2-(2-thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide);

18

19 (76) beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);

20

21 (77) beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

22

23 (78) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide);

24

25 (79) thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

26

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) is amended by adding a new paragraph to read:

1 (20) 3,4-methylenedioxymethamphetamine (MDMA).

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

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

7 (1) amphetamine, its salts, optical isomers, and salts of  
8 its optical isomers;

9 (2) methamphetamine, its salts, isomers, and salts of its  
10 isomers;

11 (3) methylphenidate;

12 (4) phenmetrazine and its salts;

13 (5) fenethylamine;

14 (6) N-ethylamphetamine;

15 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as  
16 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,  
17 MDE, and MDEA;

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

21 (9) 4-methylaminorex, also known as 2-amino-4-methyl-5--  
22 phenyl-2-oxazoline;

23 (10) N,N-dimethylamphetamine, also known as N,N,alpha-trime-  
24 thybenzencethanamine or N,N,alpha-trimethylphenethylamine, its salts,  
25 optical isomers, and salts of optical isomers.

26 \* Sec. 5. AS 11.71.160(c) is amended by adding a new paragraph to read:

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

28 \* Sec. 6. AS 11.71.160(f) is amended by adding new paragraphs to read:

29 (4) parahexyl;

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

4 (6) nabilone.

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

6 (21) alprazolam;

7 (22) halazepam;

8 (23) temazepam;

9 (24) triazolam;

10 (25) midazolam;

11 (26) quazepam.

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

13 (d) Schedule IVA includes, unless specifically excepted or  
14 unless listed in another schedule, any material, compound, mixture, or  
15 preparation which contains any quantity of the following substances  
16 having a stimulant effect on the central nervous system, including  
17 their salts, isomers whether optical, position, or geometric, and  
18 salts of these isomers whenever the existence of these salts, isomers,  
19 and salts of isomers is possible within the specific chemical designa-  
20 tion:

21 (1) diethylpropion;

22 (2) phentermine;

23 (3) pemoline, including organometallic complexes and  
24 chelates of this substance;

25 (4) mazindol;

26 (5) pipradol;

27 (6) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

28 (7) cathine;

29 (8) fencamfamin;

1                   (9) fenproporex;

2                   (10) mefenorex.

3 \* Sec. 9. AS 11.71.180 is amended by adding new subsections to read:

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

8           (e) Unless specifically excepted or unless listed in another  
9 schedule, any material, compound, mixture, or preparation which con-  
10 tains any quantity of the following substances having a stimulant  
11 effect on the central nervous system, including its salts, isomers and  
12 salts of isomers:

13                   (1) propylhexedrine;

14                   (2) pyrovalerone.

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

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

26                   (A) statements made by an owner or by anyone else in  
27 control of the substance concerning the nature of the substance,  
28 or its use or effect;

29                   (B) statements made to the recipient that the

1 substance may be resold for inordinate profit;

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

4 (D) evasive tactics or actions used by the owner or  
5 person in control of the substance to avoid detection by law  
6 enforcement authorities;

7 (E) the storage, packaging, presentation, display of  
8 or reference to a controlled substance with, near, or in con-  
9 nection with the activity involving the imitation controlled  
10 substance.

11 \* Sec. 11. AS 11.71.160(b)(4) is repealed.