

CS FOR HOUSE BILL NO. 367 (HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 5/6/92

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES ZAWACKI, Taylor, Leman, Baker, Sharp, G.Phillips, C.Davis

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the possession of controlled substances."**

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

3 *** Section 1. PURPOSE.** In its recent decision in State v. Thronsen, 809 P.2d 941, the Alaska Court
4 of Appeals ruled that a defendant could not be convicted of misconduct involving a controlled substance
5 in the fourth degree based on the presence in the defendant's blood of quantities of cocaine that the
6 defendant had ingested. The appellate court affirmed the trial court's dismissal of the indictment
7 alleging that the defendant had possessed cocaine in the defendant's body. The purpose of this Act is
8 to set aside the ruling of that decision and its effect so that a person may be convicted on the basis of
9 use or ingestion of a controlled substance on the same basis as the person's possession of the substance.

10 *** Sec. 2.** AS 11.71.900 is amended by adding a new paragraph to read:

11 (30) "possess" means exercising dominion or control over or having physical
12 possession of a controlled substance, and includes injecting, inhaling, swallowing, or otherwise
13 introducing the substance into the person's body or bloodstream.