

H B

180



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA 99901

Chambers of
THOMAS E. SCHULZ, Judge

January 20, 1982

Betty Wilson
705 Main Street
Ketchikan, Alaska 99901

Re: Drug and narcotic legislation, HB 180, SB 190

Dear Mrs. Wilson:

After a meeting with the Families In Action Organization and a meeting with the legislative committee of that organization, I had agreed with you to write a letter expressing my thoughts on the pending drug and narcotic legislation referenced above, particularly in regard to the sentencing provisions in the two bills.

As I have indicated, as a judge, I have no strong preference to either HB 180 or SB 190. My approach to the legislation has been that I would be happy enough with either bill because both of the bills approach what I consider to be a major problem in current legislation in pretty much the same fashion.

There, in fact, are two major problems with the existing drug and narcotic legislation. The first problem is that the legislation is far too broad in that all of the drugs are considered in blanket fashion in one section of the statute with no effort being made to classify the various drugs as to their harm to the user or abuser. The second problem is that all of the drugs are considered in the same section so far as sentencing is concerned, again with no effort made to schedule the drugs as to relative dangerousness to the user or abuser and others. Each of these bills approach those two problems in a similar fashion, that is to say that the drugs and narcotics are classified on a scale that bears some rational relationship to their potential

Betty Wilson
January 20, 1982
Page 2

dangerousness, and offenses involving the drugs and narcotics are classified along a rational scale in terms of the scale of operation and the relative dangerousness of the substance being distributed or used.

The essential difference that I can see between the House legislation and the Senate legislation is the differences in the way the two approaches handle marijuana, but that is a matter of public policy and not any particular judicial concern. I do not mean to imply by that statement that I am not concerned about it or that other judges are not concerned about it. However, it is a matter for the legislature and not the judicial branch to make the initial decision on how these drugs and narcotics will be dealt with.

I am particularly pleased with the sentencing approach in this drug legislation because it classifies the drug offenses into the new sentencing code, which was adopted and became effective in January of 1980. All of the drug and narcotic felonies and misdemeanors are classified and plugged into the presumptive sentencing code. That means that there will be certainty of punishment for at least second offenders, and it also makes a sentencing scheme consistent with other felonies in that the drug and narcotic cases are plugged into and covered by the aggravating and mitigating circumstances already set out in Title 12.

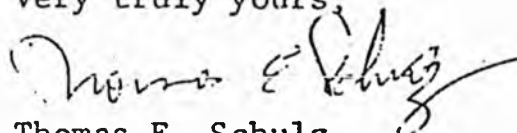
You have reported to me that some people have told you or told the legislative committee of Families of Action that under these bills an eighteen year old first offender dealing marijuana is subjected to a five year prison sentence. That is true in theory only. As I have indicated to you, and I believe that this is a fair statement, the judges in Alaska have adopted the idea that the sentence for a first offender under a presumptive sentencing code ought not to exceed the presumptive sentence for a second offender absent very extraordinary circumstances. Thus the case of which you speak, an eighteen year old person selling marijuana, would be involved, at most, a Class C Felony with a maximum sentence of five years. The presumptive sentence for a second offender would be two years, and the sentence for our hypothetical eighteen year old would never exceed two years except, as I indicated immediately above, in the case of very extraordinary circumstances. The average case would probably be dealt with in terms of a relatively short period of actual incarceration followed by a substantial period of probation. That approach by the judges is, I believe, consistent with the commentary to the new sentencing code that was adopted by the legislature along with the code. The Court of Appeals and the Supreme Court have both spoken to that issue in recent criminal

Betty Wilson
January 20, 1982
Page 3

cases and those appellate courts have adopted an approach similar to the approach of the trial judges.

If you need any further information concerning the issues you have raised, please let me know. In the meantime, as I indicated to you earlier, you may make such use of statements that I make in public and certainly this letter as you see fit.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Thomas E. Schulz", with a long horizontal flourish extending to the right.

Thomas E. Schulz
Superior Court Judge

TES:me

The speaker seems
to be extremely concerned
about this whole drug

There was expressed no
concern for the victims
of drug abusers whether
conscious or unconscious

We need a strong drug law
to protect the majority.

Scare tactics - fear
Let's try theological - what can be done in Jan

Drugs in America

Most users said to be non-abusers

By CHRISTOPHER CONNELL
Associated Press Writer

WASHINGTON (AP) — A blue-ribbon panel says that despite the growing, "pervasive" use of mind-altering drugs in America, most people who use drugs do not abuse them and pose no threat to society.

The Drug Abuse Council said the nation may as well accept some use of drugs as inevitable. Drugs have been used "since the beginning of recorded time and will predictably remain so," it said.

It cautioned against a return to what it called the alarmism of the Nixon administration's "war on drugs."

Despite the nearly \$6 billion the federal government has spent since 1971 on drug treatment and law enforcement efforts, "more Americans use and misuse more psychoactive drugs than ever," the council said.

But while use of mind-altering drugs from alcohol to marijuana and heroin is "pervasive, misuse is much less frequent," it said.

At a news conference today, Dr. Thomas E. Bryant, the council president, said parents who are terrified about their teenagers' use of drugs should take a calm approach to the problem.

Asked about a recent government report that 10 percent of high school seniors smoke marijuana daily, he said, "The least

responsible thing to do is to panic ... and announce the world is about to be inundated with drugs."

A colleague, Robert R. Carr, said most of those high school youths probably take "one or two drags of marijuana (daily). I doubt it means those students are stoned all the time."

The council's findings are contained in a 291-page book, "The Facts About Drug Abuse." Publication of the book caps a seven-year, \$10 million study, sponsored mainly by the Ford Foundation.

It predicted heavy use of drugs "will prevail at least through the next few years" and called for policies that distinguish between recreational use of drugs and misuse that harms society.

It backed experimenting with heroin to treat heroin addicts and endorsed decriminalization of possessing marijuana in small amounts.

The council noted that heroin treatment programs generally assume users are addicts, but said there is "convincing evidence that more individuals use heroin than are addicted."

"By adhering to an unrealistic goal of total abstinence from the use of illicit drugs, opportunities to encourage responsible drug-using behavior are missed," said the council. Current drug policies "reflect assumptions

and events more than a half century old, despite the fact that many of those assumptions were erroneous or founded in demagoguery," it said.

Despite alarm about the millions of high school and college students who experiment with drugs or use them regularly, "clearly the majority exercises personal restraint," it said. The number in serious difficulty from drug abuse "is relatively small."

Many Americans would not be willing to pay the price in loss of privacy and individual freedom for an effective strategy to eliminate drug misuse, the council said.

"Exhaustive study has revealed little deterrent impact from the so-called 'get-tough' drugs laws of New York State," it said. On the other hand, it found no big increase in marijuana use in Oregon after decriminalization.

The report said drug misuse is linked to "societal ills such as poverty, unemployment and racial discrimination."

The council, now disbanded, was chaired by Bethuel M. Webster, a New York lawyer. Its president was Dr. Thomas E. Bryant, who also chaired the President's Commission on Mental Health in 1977-78.

Also funding it were the Carnegie Corp., the Commonwealth Fund, the Kaiser Family Foundation and the Equitable Life Assurance Society.

STATE OF ALASKA

DEPARTMENT OF LAW

CRIMINAL DIVISION

Rep. Barnes
122

JAY S. HAMMOND, GOVERNOR

POUCH KC - STATE CAPITOL
JUNEAU, ALASKA 99811

January 6, 1982

Robert Schroeder
Legislative Finance Division
Legislative Affairs Agency
Pouch WF
Juneau, Alaska 99811

Dear Mr. Schroeder:

In response to your recent request for information regarding alternatives to prosecution and incarceration, I am providing some case examples illustrative of the various components of the treatment programs designed for diverted offenders, as well as statistics this office has compiled on these individuals. Additionally I am providing you with statistics on convicted felons sentenced to community work service under AS 12.55.055 who are processed through our office. This latter service is provided by means of a Reimbursable Services Agreement with the Division of Adult Corrections. Finally, I am also providing statistics on the community work service alternative sentencing of misdemeanants which we process on a periodic basis as a courtesy to district court judges. I trust this information will prove valuable in understanding the system we are establishing as an alternative to the normal processing of offenders through the criminal justice system.

In general, when offenders are processed through the Pretrial Intervention Program, they are required to make restitution to the victims, when applicable, and to perform community work service for private, non-profit organizations or governmental agencies as a form of societal restitution. Additionally, offenders are examined for needs which will enhance their ability to function as more productive members of society. In this area, the program relies on mental health, alcohol and drug counseling referrals, career counseling and job training, and completion of high school equivalency - G.E.D. programs.

Case 1. A thirty-seven year old Filipino-American male was arrested for having embezzled \$17,200 from an automobile dealership in Anchorage. Due to the large amount of restitution owed, the treatment program for this individual was limited to twice monthly visits with his counselor in the Anchorage Pretrial Intervention office for the duration of his participation in the program, eighteen months. The offender maintained contact with his counselor for this period, continued gainful employment and repaid the \$17,200 he embezzled.

Case 2. A 24-year old male caused significant damage to a public phone booth after having difficulties reaching his girlfriend in the states. Intoxicated at the time of the offense, the offender picked up the phone booth, smashed it on the ground and then proceeded to drive over the phone booth with his truck. Upon entry into the diversion program, this offender was required to make restitution to the phone company in the amount of \$1,300, maintain twice monthly contact with his counselor, and to complete 40 hours of community work service. As the offender was experienced in erecting fences, he was referred to the local humane society where he constructed new kennels. As of this time, the offender has four months remaining in the program; he has maintained continuous contact with his counselor and he repaid \$750 of the restitution owed.

Case 3. Two individuals were arrested for receiving and concealing stolen goods. The goods were stolen by another in the course of a number of burglaries and were stored at their apartment. In that police recovered the stolen property, no restitution was owed. One offender was required to perform 150 hours of community work service and maintain twice monthly contact with his counselor. The other offender was required to perform 150 hours of community work service or 100 hours of community work service and obtain a G.I. (he opted for the latter). Both offenders were employed and took vacation from their employment to perform the community work service doing maintenance work at the local airport. Both offenders have completed their special conditions, have maintained the required contact with their counselor and remain gainfully employed.

Case 4. A 21-year old female was charged in Fairbanks with theft of \$600 in bank deposits from the store for which she worked. In the program, the offender was required to make complete restitution, maintain monthly contact with her counselor, perform 50 hours of community work service and to attend counseling offered by WIC-CA. The offender has completed her community work service (at Salvation Army), paid her restitution and is currently undergoing long-term counseling with WIC-CA.

As a further means of measuring the impact of the Pretrial Intervention Program, following are some statistical summaries for restitution and community work service during 1981.

	<u>Community Work Service (in hours)</u>	<u>Restitution</u>
Anchorage (1/1/81 - 6/30/81)	729	\$29,099
Kenai (1/1/81 - 12/31/81)	786	\$ 5,830
Fairbanks (1/1/81 - 8/30/81)	2,310.5	\$23,610
Juneau (1/1/81 - 12/31/81)	2,135	\$25,432

(Note: the statistics provided above are for the differing periods noted. At present, all this material is compiled through hand-searching case files which is both time consuming and may occasionally result in inaccurate data. The Pretrial Intervention Program is presently in the process of computerizing the case information, and will become an integral part of the Criminal Division's PROMIS system. The results will not only be an enhanced ability for management of Pretrial Intervention Program cases, but also an ability to readily retrieve statistical data such as that provided herein.)

Due to the expertise developed by Pretrial Intervention Program staff in development of community work service referrals and the attendant placements of offenders therein, the Pretrial Intervention Program contracted with the Division of Adult Corrections in December 1980 to establish a program of community work service as a sentencing alternative, to place offenders in this program, and to monitor their progress and report the results to the Division and to the courts. As an adjunct to this contract, the Pretrial Intervention Program has likewise provided the placement and monitoring services directly to the courts for misdemeanor offenders. Following are some statistical summaries derived from this program through September 1981.

<u>Location</u>	<u>Number of Referrals</u>	<u>Community Work Service (in hrs)</u>
Anchorage	19	755
Kenai	10	416.5
Juneau	22	1,356.5
Fairbanks	1	80

Finally, the Pretrial Intervention Program has provided a diversion service through an L.E.A.A. grant to the Municipality of Anchorage for certain cases, most of which are shoplifting. It has been the standard practice for these offenders to receive 32 hours of community work service, in addition to restitutionary requirements, when applicable, and other civil penalties which they may be subject to under AS 09.65.110. This statistical summary is for the period July 1, 1980 through June 30, 1981.

<u>Referrals</u>	<u>Community Work Service (in hours)</u>
430	12,800

As you can see from these statistics, the various alternative programs are providing significant benefits to the referral agencies, and attendantly, to the people of the state in general. Similarly, as an alternative to incarceration, these programs are positively impacting the near disastrous situation facing Alaska's incarcerated offender population.

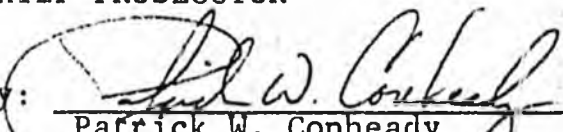
In sum, I trust this information is of value, and if you have further questions, please contact me.

Very truly yours,

WILSON L. CONDON
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By:


Patrick W. Conheady
Assistant Attorney General
Chief, Pretrial Services

PWC:dm



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE
NATIONAL INSTITUTES OF HEALTH
BETHESDA, MARYLAND 20014

RECEIVED
JAN 14 1981
Office of Special
Prosecutions and Appeals

NATIONAL CANCER INSTITUTE

July 23, 1980

Dear Colleague:

We have received your letter indicating your willingness to participate in the distribution of Δ^9 -Tetrahydrocannabinol (THC). As soon as the THC is officially approved for guideline use, distribution will begin (probably in the fall).

Enclosed is the proposed distribution system.

Sincerely yours,

David Abraham

David Abraham, Ph.D.
Investigational Drug Branch
Cancer Therapy Evaluation Program
Division of Cancer Treatment

Enclosure

FTS 496-~~1196~~5725

or his supv.

Daniel F. Hoth, M.D.

FTS 496-1196

DISTRIBUTION OF THC

Step 1. The NCI will send copies of:

- a. Group C Guidelines for the use of Delta-9-Tetrahydrocannabinol (THC), NSC #134454, for Nausea and Vomiting Induced by Antineoplastic Chemotherapy. In addition to serving as the protocol for THC use, the Guidelines will contain a patient consent form and a Statement of Investigator form (modified FDA 1573). The modified FDA-1573 will be completed by the physician and filed with the pharmacy. The signed patient consent form should remain with the patient's record.
- b. Drug Enforcement Administration (DEA) registration forms with instructions and a self-addressed return envelope.
- c. Clinical Drug Request Form (NIH 986).

Step 2. The pharmacy will register with the Drug Enforcement Administration in the researcher category requesting permission to handle Schedule I. The central DEA coordinator will contact the DEA inspector closest to the hospital. The inspector will evaluate the pharmacy and inform the Central Coordinator. For accepted pharmacies, order forms will be pre-printed and sent to the pharmacy by the DEA.

Step 3. After the pharmacy receives notification that the registration has been activated, the pharmacy can order drug from the NCI by using the DEA order form (DEA-222) and the NIH Clinical Drug Request Form (NIH-986).

Step 4. Both of these forms are sent to the Drug Regulatory Affairs Section at NCI where the requested quantity of drug is scrutinized and shipment is authorized.

Step 5. The Drug Regulatory Affairs Section will then send the DEA form to the NCI Pharmaceutical Resources Branch for drug shipment to the hospital pharmacy, and for inventory adjustment.

Step 6. The pharmacy will dispense THC upon presentation of a "Research Order for Medication" signed by a physician who:

- a. Has a DEA license.
- b. Is registered with the pharmacy on the modified FDA 1573.
- c. Affirms that the patient consent form is signed.
- d. Limits the use of the drug to the indications outlined in the guidelines.
- e. Will report adverse drug reactions immediately to the Investigational Drug Branch, National Cancer Institute.

Note: (A Research Order for Medication is identical to a prescription order. A standard prescription blank may be used but confirmation of informed patient consent must be incorporated).

Step 7. The pharmacy will forward the modified FDA-1573 to the Drug Regulatory Affairs Section at NCI and retain a copy for its own use.

Step 8. Records involving THC should be maintained separately.

SUMMARY OF HB 180, A BILL REVISING THE DRUG LAWS

IN ALASKA

by Rhonda F. Butterfield
Assistant Attorney General
Department of Law

January 15, 1982

1. HB 180 puts all drug offenses into seven classes of offenses, Misconduct Involving a Controlled Substance in the First through Seventh Degrees. The first degree offense is an unclassified felony offense, and each successive degree is a less serious offense. The seventh degree offense is a violation.

2. All controlled substances are placed into six schedules, much like the federal schedules, with drugs considered to be most harmful placed in the highest schedule (IA), and drugs considered to be least harmful placed in the lowest schedule (VIA).

3. Offenses are classified based upon the schedule of the substance and the act committed. The higher the schedule and the more serious the act, the higher the penalty. The act of (1) delivery of a controlled substance to a minor is considered the most serious, with the acts of (2) delivery, manufacture, or possession with the intent to deliver or manufacture; (3) possession by an adult on school grounds; and (4) possession, considered to be in descending order of seriousness. A chart setting out the offense with each schedule, and the penalty, is attached to this summary as "A".

4. Laws relating to the regulation of legitimate industry involved in the handling, distribution, etc. of controlled substances are revised, in order to be more consistent with federal laws. Responsibility for such regulation is consolidated and placed upon the Board of Pharmacy alone. Under present law, responsibility is shared by the Department of Health and Social Services and the Board of Pharmacy.

5. The classification, in terms of penalty, of some possessory offenses (those involving substances in schedules IIIA through VIA) is based upon the amount of the drug possessed. (P. 4, lines 10-22; p. 6, lines 2-15, 24-19; p. 7, lines 4-9, 15-21).

6. A scheme for marijuana (Schedule VIA) is established. This scheme defines the term "small amount", as used in the Alaska Supreme Court case of Ravin v. State, 537 P.2d 494 (Alaska 1975), as less than four ounces of marijuana, when possessed by an adult for his own personal use. Possession, by an adult, of four ounces or more of marijuana is a class B misdemeanor; possession of eight (8) ounces or more is class A misdemeanor; possession of one pound or more is a class C felony. Possession of less than four ounces of marijuana, by a person under 19 years of age, is a class B misdemeanor. There are other offenses involving the possession, use, or display of smaller amounts of marijuana in public. These are all class B misdemeanors or a violation. However, possession of any amount of marijuana, in any place, with the intent to deliver that marijuana is a class C felony.

7. An "aggregate weight" test is adopted for determining the weight of a controlled substance when the weight of the substance possessed is determinative of the degree of the offense. This applies to possession offenses only, involving substances in schedules IIIA through VIA only. Many of these substances can be "cut" or mixed with another substance. The "aggregate weight" test means that the total weight of the preparation, compound, or mixture is the weight of the substance for purposes of prosecution and conviction, so long as some amount of a controlled substance is present. The purity of the substance is irrelevant in determining the "total weight" of the substance. The Commentary to SB 190, at pp. 11-13, printed in the House Journal Supplement on June 19, 1981, explains the reasons for the adoption of this test.

8. HB 180 creates a Controlled Substances Advisory Committee within the Department of Law, with the Attorney General as Chairman. Other members are listed on p. 7, line 29, and p. 8, lines 1-8. The duties of the committee include the ability to add substances to the schedules, (with an effective date after the beginning of the next regular legislative session) but not to delete or reschedule substances. (P. 9, lines 19-29, p. 10, lines 1-5) The advisory committee has the responsibility of recommending to the Governor whether substances should be deleted or rescheduled. (P. 8, lines 21-22)

The Controlled Substances Advisory Committee has other duties, which, when considered together, amount to an advisory committee to look at the whole picture of drug use and abuse throughout the State, and what state and private agencies are doing about it.

9. There are five criteria to be considered by the committee and the legislature in determining classification of substances. Those criteria are similar to criteria used under federal law, but include the criterion of: the relationship of the use of the substance to other criminal activity. (P. 10, lines 15-29; p. 11, lines 1-23) This is not one found in federal law.

Summary of HB 180

10. Examples of substances and their placement in particular schedules are:

Schedule IA. Heroin, opium, morphine, codeine, other narcotics, including some prescription drugs, such as demerol, dilaudid, and percodan.

Schedule IIA. Cocaine, LSD, PCP, peyote, mescaline, methaqualone (Quaalude), amphetamines, methamphetamines.

Schedule IIIA. Some barbitals, hashish or hashish oil, tetrahydrocannabinols (other than marijuana), some prescription drugs with narcotics combined with other active medicinal ingredients.

Schedule IVA. Depressants, including many prescription tranquilizers, and sleeping pills, some stimulants, and Darvon.

Schedule VA. Narcotics which are combined with other active medicinal ingredients (primarily over-the-counter cough suppressants).

Schedule VIA. Marijuana.

11. Miscellaneous sections (p. 28, lines 11-29; p. 29, lines 1-17) provide for defenses or lack of them. Having a valid prescription for a substance is a complete defense to a charge of illegal possession of that substance. Having less than a useable quantity of a drug is not a defense to a charge of possession. A communication to a physician in an attempt to illegally procure a controlled substance is not a privileged communication. (P. 29, lines 13-17) The physician then, can testify in court about any such unprivileged communications.

12. The definition of "manufacture" specifically excludes the growing of marijuana for personal use. (P. 31, lines 25-29; p. 32, lines 1-14) This definition does not prevent prosecution of a person who is growing marijuana for an offense involving "possession".

13. It is unlawful for a controlled substance to be prescribed or dispensed for any other purpose other than a medical purpose. (P. 39, lines 22-27)

14. An extensive and comprehensive scheme on forfeitures is established. Any of the following types of property is subject to forfeiture under this bill: controlled substances, raw materials or equipment used in violation of a controlled substances offense; any conveyance used in the commission of a felony involving a controlled substance; books or research products; money, securities or other negotiable instruments used in financial transactions involving controlled substances; and any firearms visible,

carried during or used in furtherance of a controlled substance offense. (P. 40, lines 20-29, p. 41, lines 1-29) A more detailed explanation of the forfeiture scheme is set forth in a 2 - page memo attached to this summary, as "B".

15. A Therapeutic Research Program for the use of marijuana (capsulized THC) by cancer or glaucoma patients is permitted, with certain controls. (P. 49, lines 13-29; p. 50; p. 51, lines 1-17)

16. Laboratory reports on controlled substances are to be more specific, and may be used in lieu of the actual testimony of the chemist. (P. 53, lines 2-29; p. 54, lines 1-6) A defendant can demand the live testimony of the analyst. (P. 53, line 29; p. 54, lines 1-3)

17. The bail statute, A.S. 12.30.040(b), regarding bail pending sentence and appeal, is amended under HB 180. It provides that any person convicted of any unclassified felony or class A felony is ineligible for bail after conviction and pending sentence or appeal. (P. 52, lines 25-29)

18. For sentencing proceedings, additional aggravating and mitigating circumstances are added to A.S. 12.55.155(c) and (d), for consideration at sentencing by the court. Aggravating factors include: (1) participation in an ongoing criminal enterprise involving controlled substances; (2) smuggling controlled substances into the state; (3) commission of an offense involving large quantities of a controlled substance; and (4) distribution of a controlled substance which has been adulterated with a toxic substance. (P. 54, lines 16-29) Aggravating factors permit a judge to raise the sentence from the "presumptive" term. See the chart attached to this summary as "C".

Mitigating factors which the judge can use to lower the sentence from the presumptive term include: (1) commission of an offense involving small quantities of a controlled substance; (2) distribution of a controlled substance, other than schedule IA substance, to an adult who is a personal acquaintance and for no profit; and (3) commission of an offense involving the possession of a small amount of a controlled substance for personal use in the defendant's own home.

19. A section is added to the statutes on operating a motor vehicle while under the influence of a controlled substance and/or alcohol. This section permits the State to introduce evidence, when a defendant claims he did not know the effects of a controlled substance, that the prescription in question contained a warning label, or that the defendant had been warned by a doctor, pharmacist, or other practitioner, not to operate a motor vehicle or other equipment after taking the substance.

Attachments:

"A" Chart showing Classification Scheme and Penalties.

"B" Memo on Forfeiture Scheme.

"C" Chart on Presumptive Sentences.

**CLASSIFICATION SCHEME AND PENALTIES
PROPOSED 1981 DRUG LEGISLATION**

Crime	IA	IIA	III	IVA	VA	VIA (Marijuana)
Delivery to Minors	Unclassified 5-99 yrs./ \$75,000	A felony	A felony	B felony	B felony	B felony
Delivery, Manufacture or Possession with Intent to Manufacture or Deliver	A felony	B felony	B felony	C felony	C felony	C felony
Possession on School Grounds	B felony	B felony	C felony	C felony	C felony	C felony
Possession	C felony	C felony	A misdemeanor unless possession is 25 or more tablets or 3 grams or more than C felony	A misdemeanor unless possession is 25 or more tablets or 3 grams or more than C felony	A misdemeanor unless possession is 50 or more tablets or 6 grams or more than C felony	C felony - 1 lb. or more A misdemeanor - 1/2 lb. or more B misdemeanor - 4 ozs. or more - Used or displayed in public - Possession while operating a vehicle - Possession by Minor - Possession of 1 oz in Public Violation - Possession of less than 1 oz in Public

SENTENCES

A Felony - 0-20/\$50,000 10 year presumptive for second 15 year for third	C felony - 0-5/\$50,000 2 year presumptive for second 3 year presumptive for third
B felony - 0-10/\$50,000 4 year presumptive for second 6 year presumptive for third	A Misdemeanor - 0-1/\$5,000 B misdemeanor - 0-90/days/ \$1000 Violation - \$20.

SCHEDULING EXAMPLES

Schedule I - Opium, opiates, heroin, methadone
 Schedule II - LSD, mescaline, cocaine, PCP, amphetamines, methaqualone
 Schedule III - barbiturates, hashish
 Schedule IV - valium
 Schedule V - small amounts of codeine and opium in mixtures having medicinal qualities
 Schedule VI - marijuana

MEMORANDUM

State of Alaska

DEPARTMENT OF LAW/CRIMINAL DIVISION

TO: Persons Reviewing
House Bill 180

DATE: January 13, 1982

FILE NO:

TELEPHONE NO:

FROM: RHONDA F. BUTTERFIELD
Assistant Attorney General
OSPA, Anchorage

SUBJECT: Explanation of
Forfeiture Scheme
in HB 180

This memorandum will attempt to explain in summary form the provisions of the forfeiture section, proposed Sec. 17.30.110, of House Bill 180 (pages 40-46).

A.S. 17.30.110.

- (a) Property subject to forfeiture:
- (1) all controlled substances;
 - (2) raw materials, products and equipment used in the commission of a felony controlled substance offense;
 - (3) containers;
 - (4) any conveyances (including autos, airplanes, boats, etc.) used in the commission of a felony controlled substance offense;
 - (A) However, if the owner of the conveyance is not a party or privy to the violation, the conveyance is not subject to forfeiture;
 - (B) and a secured interest of a third party is protected (see subsections (n) and (o)), but the property is still subject to forfeiture;
 - (5) books, records, and research products;
 - (6) money, securities, and negotiable instruments derived from illegal activity involving controlled substances; and
 - (7) any firearm visible, carried during, or used in furtherance of any violation involving controlled substances.
- (b) Forfeiture can take place either: when the defendant has been convicted in a criminal case of a controlled substances offense, or in a separate civil proceeding. In the latter type of proceeding, standard rules of civil procedure apply. The burden of proof is upon the State, as plaintiff, to prove by a preponderance of the evidence that the property was used during or in aid of a violation of A.S. 11.71. or 17.30.
- (c) Forfeiture is not dependent upon any criminal action; neither a criminal action nor its outcome is a defense to a civil forfeiture action.
- (d) Property subject to forfeiture may be seized without a court order, under certain circumstances, including recognized exceptions to the search warrant requirement.

- (e) A law enforcement agency must take custody of and preserve property which has been seized and detained pending court action.
- (f) The property must be inventoried within 10 days of the seizure.
- (g) The State shall notify all persons who are known to have an interest in the property.
- (h) Any person claiming an interest (defendant or innocent party) in the property must respond to the notification, or the property will be forfeited without further proceedings.
- (i) The court determines the issues; no jury.
- (j) A claimant (defendant or other interested party) may petition the court for release of the property pending the forfeiture decision.
- (k) Property subject to forfeiture cannot be released, except where: the property will remain subject to the court's jurisdiction; release is in the best interest of the State; and a bond is posted equal to twice the value of the property.
- (l) A claimant can ask for sale of the property prior to any decision on forfeiture. Proceeds of the sale are then treated as the property subject to forfeiture.
- (m) Once the property is forfeited, the commissioner of administration decides the disposition. Options (1)-(6).
- (n) A claimant with a secured interest in the property can get his money back or right of first refusal.
- (o) A defendant who used property subject to a third party's interest (Subsections (a)(4)(B) and (n)) shall be assessed a fine at least equal to the value of the third party's interest or that paid by the state to the third party, plus reasonable costs of seizure.
- (p) Any controlled substance is summarily forfeited. There are no court proceedings.
- (q) Plants may be summarily forfeited.

RFB/jm

TERMS OF IMPRISONMENT AND AUTHORIZED FINES IN REVISED CRIMINAL CODE

	FIRST FELONY CONVICTION	SECOND FELONY CONVICTION	THIRD FELONY CONVICTION
--	----------------------------	-----------------------------	----------------------------

"A" Felony	0-20	5-[10]-20	7 1/2-[15]-20
	3-[6] [*] -20		
"B" Felony	0-10	0-[4]-10	3-[6]-10
"C" Felony	0-5	0-[2]-5	0-[3]-5

MAXIMUM FINES - PERSONS

Murder or kidnapping - \$75,000
 A, B, or C Felony - \$50,000
 A misdemeanor - \$ 5,000
 B misdemeanor - \$ 1,000
 Violation - \$ 300

MAXIMUM FINES - ORGANIZATIONS

All offenses - \$100,000 or
 3 X pecuniary gain
 - whichever is greater

"C"

KEY

Number in bracket is presumptive sentence.
 Number to left is lowest mitigated
 sentence. Number to right is highest
 aggravated sentence.

MAXIMUM TERMS OF IMPRISONMENT
 FOR MISDEMEANORS

A misdemeanor - 1 year
 B misdemeanor - 90 days

⊛

Six year presumptive term applies if first
 A felony conviction, other than manslaughter,
 and defendant used or possessed a firearm
 during the offense or caused serious physical
 injury.

Alaska Laws Pertaining to Heroin January 1981

OFFENSE	GOVERNOR'S PROPOSED LEGIS. (HB 180)	EXISTING LAW																		
Delivery to a Minor	Minor under 19 and at least 3 years younger than defendant. Unclassified Felony - Life + \$75,000 and presumptive sentencing	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Minor Under 21</td> <td style="width: 33%;">15-30 years</td> <td style="width: 33%;">2nd</td> </tr> <tr> <td>10-30 years - 1st</td> <td>\$25,000</td> <td></td> </tr> <tr> <td>\$5,000-10,000</td> <td>Life</td> <td>3rd</td> </tr> </table>	Minor Under 21	15-30 years	2nd	10-30 years - 1st	\$25,000		\$5,000-10,000	Life	3rd									
Minor Under 21	15-30 years	2nd																		
10-30 years - 1st	\$25,000																			
\$5,000-10,000	Life	3rd																		
Manufacture or Delivery or Possession with Intent to Manufacture or Deliver (includes sale).	Class A Felony -Up to 20 Years	<p style="text-align: center;">No offense of possession with ^{specific} intent to distribute</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">2-10 years - 1st</td> <td style="width: 33%;">20-40 years</td> <td style="width: 33%;"></td> </tr> <tr> <td>\$5,000</td> <td>\$10,000</td> <td>3rd</td> </tr> <tr> <td>10-20 years \$7,500</td> <td></td> <td></td> </tr> </table>	2-10 years - 1st	20-40 years		\$5,000	\$10,000	3rd	10-20 years \$7,500											
2-10 years - 1st	20-40 years																			
\$5,000	\$10,000	3rd																		
10-20 years \$7,500																				
Possession on School Grounds — by Adult (18+)	Class B Felony -Up to 10 years	No Similar Provision																		
Possession	Class C Felony - up to 5 years	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">2-10 years</td> <td style="width: 33%;">1st</td> <td style="width: 33%;"></td> </tr> <tr> <td>\$5,000</td> <td></td> <td></td> </tr> <tr> <td>10-20 years</td> <td>2nd</td> <td></td> </tr> <tr> <td>\$7,500</td> <td></td> <td></td> </tr> <tr> <td>20-40 years</td> <td>3rd</td> <td></td> </tr> <tr> <td>\$10,000</td> <td></td> <td></td> </tr> </table>	2-10 years	1st		\$5,000			10-20 years	2nd		\$7,500			20-40 years	3rd		\$10,000		
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\$5,000																				
10-20 years	2nd																			
\$7,500																				
20-40 years	3rd																			
\$10,000																				

Alaska Laws Pertaining to Cocaine January 1981

Delivery to a Minor	Minor-under 19 and at least 3 years younger than defendant. Class A felony - Up to 20 years	Same as for heroin																		
Manufacture or Delivery	Class B Felony Up to 10 years	<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">2-10 years</td> <td style="width: 33%;">1st</td> <td style="width: 33%;"></td> </tr> <tr> <td>\$5,000</td> <td></td> <td></td> </tr> <tr> <td>10-20 years</td> <td>2nd</td> <td></td> </tr> <tr> <td>\$7,500</td> <td></td> <td></td> </tr> <tr> <td>20-40 years</td> <td>3rd</td> <td></td> </tr> <tr> <td>\$10,000</td> <td></td> <td></td> </tr> </table>	2-10 years	1st		\$5,000			10-20 years	2nd		\$7,500			20-40 years	3rd		\$10,000		
2-10 years	1st																			
\$5,000																				
10-20 years	2nd																			
\$7,500																				
20-40 years	3rd																			
\$10,000																				
Possession with Intent to Manufacture or Deliver	Class B felony - Up to 10 years	<p style="text-align: center;">^{specific} No prob offense - only "possession"</p>																		
Possession on School Grounds by Adult (18+)	Class B felony - Up to 10 years	No similar provisions																		
Possession	Class C felony - Up to 5 years	Same as for heroin																		

Alaska Laws Pertaining to LSD

January 1981

OFFENSE	GOVERNOR'S PROPOSED LEGIS. (H B 180)	EXISTING LAW
Delivery to a minor	Minor - under 19 and at least 3 years younger than defendant. Class A Felony - up to 20 years.	Minor - Under 19 Life + \$25,000
Manufacture of Delivery or Possession with Intent to Manufacture or Deliver (<i>includes sale</i>)	Class B Felony Up to 10 Years	25 Years 1st \$20,000 Life + 2nd \$25,000
Possession on School Grounds — by Adult (18+)	Class B Felony Up to 10 Years	No Similar Provision
Possession	Class C Felony Up to 5 Years	Misdemeanor 1 Year, \$1,000

Alaska Marijuana Laws

January 1981

Delivery to a Minor	B Felony 0-10 years \$50,000 4 year Presumptive - 2nd 6 year Presumptive - 3rd	0-Life \$25,000
Manufacture or Deliver, or Possession with Intent to Manufacture or Deliver	C Felony 0-5 Years \$50,000 2 year Presumptive - 2nd 3 year Presumptive - 3rd	0-25 1st \$20,000 0-Life 2nd \$25,000
Possession on School Grounds — by Adult	C Felony 0-5 Years \$5,000 2 year Presumptive - 2nd 3 year Presumptive - 3rd	No Similar Provision
Possession 1 Lb. or more ½ Lb. or more ¼ Lb. or more	C Felony A Misdemeanor B Misdemeanor	No equivalent provisions, other than possession with intent to distribute (above).
by Juvenile any amount less than 4 oz.	Under 19 (4 oz. or more, see above) B Misdemeanor	Under 18 Fine - \$1,000
Public Offenses Use or Display any amount Possession More than 1 oz. 1 oz. or more 1 oz. or less less than 1 oz. While operating motor vehicle	B Misdemeanor — B Misdemeanor — Violation - \$300 fine B Misdemeanor	Fine - \$1,000 Fine - \$1,000 — Civil Fine - \$100 — Fine \$1,000

ALASKA FEDERATION OF NATIVES, INC.

1981 ANNUAL CONVENTION

RESOLUTION NO. 81 - 87

TITLE: PUBLIC HEARINGS ON DRUG LEGISLATION

WHEREAS, at the present time the Alaska Legislature is considering drug legislation, numbered H.B. 180, S.B. 190, and H.B. 620, which adopt a punitive approach through raising penalties for possession and use of many drugs, and

WHEREAS, the two proposed bills did not receive statewide input, particularly from rural Alaskan villages, and

WHEREAS, the two existing bills are written in terminology that is extremely difficult for constituents to comprehend; and

WHEREAS, a fair hearing on the bills has not been conducted throughout the State for public (especially rural) input,

NOW THEREFORE BE IT RESOLVED, that before the passage of the two bills occurs, the language be revised in order for the village residents to fully understand the consequences of the law, and

BE IT FURTHER RESOLVED, that another hearing for public input be scheduled with ample notice to villages and Native organizations.

CERTIFICATION OF RESOLUTION

I hereby certify that the foregoing is a full, true, and correct copy of the resolution adopted by the delegates to the 1981 Annual Convention of the Alaska Federation of Natives, Inc., December 16, 17, and 18, 1981, Anchorage, Alaska, at which a quorum was present and voting and that said resolution was spread upon the record of said convention and is now in full force and effect.

WITNESS my hand and seal this 21st day of December, 1981.

SIGNED:



Annie Laska

The Journal

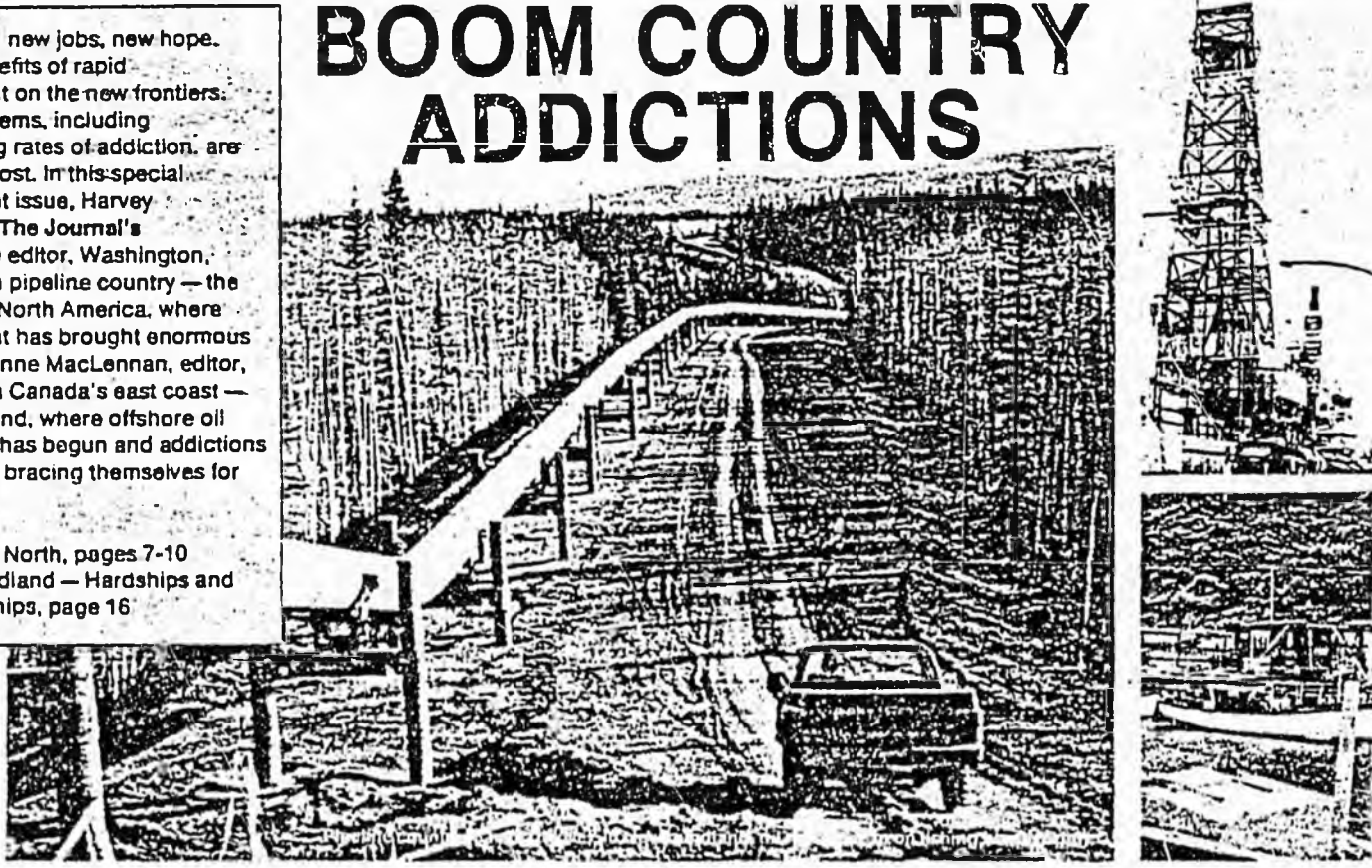
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Published monthly by Addiction Research Foundation WHO Collaborating Centre for Research and Training on Alcohol and Drug Dependence Problems

New money, new jobs, new hope. They're benefits of rapid development on the new frontiers. Social problems, including skyrocketing rates of addiction, are part of the cost. In this special development issue, Harvey McConnell, The Journal's contributing editor, Washington, reports from pipeline country — the far north of North America, where development has brought enormous problems. Anne MacLennan, editor, reports from Canada's east coast — Newfoundland, where offshore oil exploration has begun and addictions workers are bracing themselves for trouble.

- The True North, pages 7-10
- Newfoundland — Hardships and drilling ships, page 16

BOOM COUNTRY ADDICTIONS



Canada must get tough: Alaska

By Harvey McConnell

WHITEHORSE — Strict rules, rigidly enforced, is the only way Canada. If it has learned any lessons from Alaska, will avoid enormous problems when a natural gas pipeline is finally constructed.

A dramatic rise in alcohol and drug abuse will be one.

The consensus is that the pipeline will one day be built from Alaska's Prudhoe Bay south to join the Alaska highway into the Yukon Territory and British Columbia before dividing to serve the United States west coast in Chicago.

The pipeline has been talked about for years and Canadian financiers are still working out arrangements for construction. Whitehorse has gone through a mild boom and bust businesses which were started in anticipation of pipeline construction have gone bankrupt.

A major stumbling block, aside from financial considerations, is absolute opposition by natives in Canada to any pipeline construction and their own claims are settled with Ottawa.

tion, as are most individual bands. Militants in some areas, particularly in northern British Columbia, have threatened to blow it up.

The impact of the oil pipeline construction in Alaska has been absorbed and repeated in the Yukon, and hardened opposition.

At the same time, native leaders point out that jobs have been promised to natives, but so far no efforts have been made to train anyone for the skilled welding and other crafts which will be needed.

Bob Martel, who worked with 12 native bands with the Yukon Office of Alcohol and Drug Services, declared: "The biggest problem with the pipeline is that it disrupts the community as it is. Many communities have a leadership which sets a standard which is acceptable to the people. You bring in pipeline construction and all that goes. You bring in wealth and people want more wealth, and that is scary."

James Davies, Deputy Minister of Health and Human Services for the Yukon government, said there is great concern about the project: "We know what it means when you have an influx of money, people, earnings and more living in communities that have been..."

being able to control it. Then there are other problems, like drugs and alcohol.

Robert Cole, executive director of the Alaska Office of Alcoholism and Drug Abuse, believes his state will be much better prepared for the gas pipeline construction in light of what happened when the oil pipeline was laid down.

"One thing we know for sure is that while the pipeline is being constructed there are going to be a terrific number of people living and working, and not working, who won't stay and have no intention of staying when they come."

"There was a whole narcotic distribution ring in conjunction with the oil pipeline operation. There was a terrific amount of theft of material and money in one form or another on the project. We had a lot of affiliated ancillary crime, particularly in Fairbanks, and a lot more armed robbery, prostitution and gambling were the other major phenomena."

The effect on the native population was mixed. The pipeline injected enormous amounts of cash into what were then subsistence communities, which changed certain tastes and ideas. In some communities people have adapted to a different way of life, while in other communities there have been...

years ago to offer his advice. "I suggested some kind of bonding situation which would project what the impacts are going to be. Then the oil companies would be charged for it. I see no reason not to do that because the oil companies are going to make plenty of money off the pipeline."

"It has been said before, but one of the tests for economic development is whether it will pay for itself, not only in pure economic terms, but will it pay in terms of the net social and economic impact in whatever region or community it operates in."

Dr Earl Albrecht, affiliate professor of medical science at the University of Alaska, who has lived in the state for many years and was health commissioner in territorial days, said: "All we can..."

Warn Canada is to get plenty of control. You have got to have plenty of Mounties to control liquor and drugs coming into the camps.

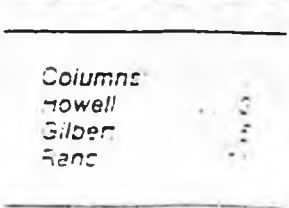
"Give them good investigators to really get the drug pushers. If, say, an area is going to have 1,000 workers nearby, then during that period triple the police force."

Women outdated on health issues: UK feminist... 3

FBI-DEA merger may be in the Reagan cards... 2

Cocaine connections

Columns Howell Gilbert Hancock



Feminist writer calls for an end to 'ladykilling'

LONDON — Smoking now kills and maims more women than cervical and breast cancers combined, yet the women's movement remains apparently unmoved.

This indignant message comes from an ardent feminist, Bobbie Jacobson, whose hard-hitting book urges an immediate reappraisal of addiction problems by her campaigning sisters.

Ms Jacobson says: "Breast cancer and cancer of the cervix have become concerns of the women's movement, but smoking and other equally pressing problems such as alcoholism have not. This is not just because women are reacting against society and the medical profession which exhorts us not to smoke for our children's sake. The long-standing libertarian tradition of feminism tends to view anti-smoking campaigns as yet another manifestation of male 'experts' telling women what they can or can't do with their bodies."

"But the main reason is that women's organizations still see their priorities in the terms their sisters did earlier this century. At that time, an almost total lack of political and legal rights, superimposed on economic hardship, forced women to concentrate on reproductive issues. But today the climate is different. Western women rarely die in childbirth and the birthrate has been falling. Although the right to safe fertility control is still vital, health issues for women have spread beyond the genitals."

The book makes out an extremely strong case for intervention in the rapidly growing health risks for women. The author notes that the proportion of men who smoke is going down in many industrialized countries, although it is not easy to find a country where the same is true for women.

Not only is the proportion of women smokers increasing in

many countries, so is the amount they smoke. In 1950 the average British woman got through half as many cigarettes as her male contemporary. Now she has almost caught up with him, smoking more than 15 cigarettes a day. In the United States, men smokers are smoking only marginally more heavily than 25 years ago, but women smokers have increased their cigarette smoking by 60%, making them the heaviest female smokers in the world.

Ms Jacobson goes on to report that when she worked for the British anti-smoking lobby group ASH (Action on Smoking and Health) three quarters of the applications for help came from women. She says women are as aware of the risks of smoking as men yet have a lower success rate in every occupational age group when they attempt to quit.

Further confirmatory evidence comes from wide-scale national surveys conducted in several countries which show that women are only about half as successful as men at stopping smoking, and that this finding applies across most age and social groups. Yet women are paying a high price worldwide.

In Britain in 1977 more than 8,500 women died from lung cancer. This means one woman died of lung cancer in Britain every hour of every day of the week, to maintain the country in its unenviable third position in the Women's World Lung Cancer League (after Hong Kong and Cuba). Although US women were ninth in the league (and Canadian 11th) the American Cancer Society estimated that more than 70 American women would die of lung cancer every day in 1980.

To highlight the social forces harming women she particularly calls attention to the failure of the nursing profession to react to smoking in the same way as the medical profession has.

Hospitals — a microcosm of male dominance — represent a society where workers are divided not only by race and class, but also by sex, she claims. Nurses' smoking rates are twice as high as those of their medical colleagues and they have only half the success of the doctors when trying to quit.

The author notes the tobacco industry has been very successful in attracting women to cigarettes. She says although there are advertisements which portray women as sex objects, the

cigarette advertisers have succeeded where other advertisers and health educators have failed — in taking women seriously. The women in the most successful advertisements are depicted as independent people with their own lives and interests.

The Ladykillers, Bobbie Jacobson, Pluto Press, 10 Spencer Ct, 7 Chalcat Rd, London NW1, or Pathfinder Press, 1317 rue Ste Catherine Est, Montreal, PQ, H2L 2H4. Tel: 514-856-9848.



Jacobson: astonishing rise in tobacco-related problems for women.

Anti-euphoria pill cuts joy of drink

By Gordon McIntosh

MONTREAL — A psychologist here says he has found a pill to take the joy out of drinking for alcoholics.

Dr Zalman Aronson, a psychologist at the University of Montreal, says the pill, known as H-102, will enable a person to drink all day without feeling high. The idea is to take away the exhilarating effect of alcohol to make it easier to stop drinking.

Dr Amit says H-102, originally developed by a Swedish pharmaceutical firm as an anti-depressant, simply stops the chemical change in the body that produces a state of euphoria.

In the last six months, he has studied 72 volunteers, all of whom were regular drinkers but not alcoholics. He says they cut their drinking by an average 60% after taking H-102.

While he says the pill may not be a miracle cure for alcoholism, the Concordia University psychologist believes H-102 may some day be part of standard treatment for alcoholism. Those who drink and take the pill will still slur their words and lose coordination, Dr Amit says. But since pleasure will have been removed from drinking they will drink less.

Dr Amit says he has been researching the drug since 1969. He came upon it while looking for an existing drug that would interfere with the alcohol-induced high. The first 10 years of experiments were conducted with animals. He says he plans to test the drug with alcoholics this winter, and it will be marketed in the following months by the Swedish firm, Astra Pharmaceuticals, which retains the patent, with Dr Amit's help.

Skid roaders shut out

Skid Road liquor store was closed July 1 for a six month trial period.

The tile-fronted store, which sold 1,000 bottles a week of Caravel Ruby Red, was a daily stop for many of the chronic alcoholics who dot the streets and alleys of the neighborhood.

The closure was ordered by consumer and corporate affairs minister Peter Hyndman after he was presented with a 4,000 signature petition from local residents and businessmen in support of closing.

The store — officially branch number 54 of the provincial liquor monopoly at Main and Hastings — was said to be the focus of disorderly behavior — behavior that disappeared during a recent four-day closure of the store during a wild-

strike by store clerks.

Mr Hyndman says the closure is not an isolated measure. Nearby liquor stores, for example, have been asked to remove from their shelves the cheap products favored by indigent alcoholics — including the popular Ruby Red which, at \$2.14 for a 26 ounce, 14% alcohol jolt, was sold straight from the carton at Number 54.

The Vancouver health department was also requested to closely monitor sales of bay rum and other high-alcohol products that might be substituted by the thirsty vagrants.

Mr Hyndman promised to push for an early opening of the city's complete, but so far idle, 60-bed alcohol detox centre.

They'll go wild over 'Musk-Ox Ale'

By Wayne Howell



"The first thing you must understand, said Professor Bottomsworth, "is the relationship between beer and laundry detergent."

What did this have to do with my initial question? Nothing at all as far as I could see. But I knew better than to interrupt the professor. He would get to the subject in his own time, and in his own way.

"Beer and laundry detergent have two things in common. The first thing is suds. The second thing is suds. Since the differences between various brands of beer and the differences between various brands of laundry detergent are more or less negligible, advertisers have to plug the image of the product rather than the product itself. Image is all. Understand that and you understand the phenomenon of Moosehead."

"I do?"

"You want to know why a very ordinary beer that has been kicking around our Maritime provinces for 50 years has suddenly become a sensation in the United States? You want to know why it is one of the top 10 best-selling imported beers in the United States and why it has only been in the market for a few years? You want to know why the Moosehead

bumper stickers? Simple — just look at the label. What do you see?"

"I see the head of a male moose in profile," I said.

"Right. Now think about it. The moose is big, hairy, and smelly, and it doesn't take any crap from the rest of the animals in the forest — it would just as soon kick Bambi as look at him. It has a fantastic macho image. The man with the best mind on Madison Avenue, on the best day of his career, could not have conceived a better beer label than the Moosehead label. Why even I had trouble conceiving a better label than the Moosehead label," said the professor.

"You mean you've done it?"

"Of course I've done it," bristled the professor. "You're not looking at some hack advertising copywriter. You're looking at a person who holds the McLuhan-Jung Chair in Contemporary Commercial Culture at a major university."

The professor pulled out a large manila envelope. I noted it was addressed to a major American brewery known to have marketing problems with its national brand. (Although he is a tenured academic, the professor has been known to dabble in commercial ventures from time to time.) The professor revealed the contents of the envelope — a sketch for a beer label featuring the hairiest, scruffiest-looking Canadian animal of all, with multiple eyes and mean in-curling horns.

"Moosehead Ale," said the professor. "The Americans are going to

He began a fevered description of an advertising campaign he had conceived for Musk-Ox Ale. I didn't catch it all, but the basic theme was a 30 second television spot: a herd of shaggy musk-oxen in a defensive circle gore and stomp a marauding wolf; then, by way of a lap-dissolve, we cut to a bar where a group of heavy lads come storming in out of a cold winter's night shouting "set up the Ox, Charlie" to the friendly bartender. The professor began to describe variations on this theme but I interrupted because it appeared he was ignoring the second part of my question.

"Not long after Moosehead began to make it big in the United States," I said. "Carling O'Keefe breweries introduced Buckeye beer into the Ontario market. The Buckeye label featured a mean looking full-antlered stag staring out at the drinker. But it wasn't Carling-O'Keefe's pseudo-Moosehead beer that caused a sensation in Ontario. It was Labatt brewery's Budweiser, brewed under licence from Anheuser-Busch, of St Louis Missouri. Since its introduction the demand for Budweiser has been so great that Labatts has been unable to produce enough of the stuff. Now how can you explain that, in view of the fact that every red-blooded Ontario boy subscribes to the myth that American beer tastes like equine effluent and doesn't contain enough alcohol to intoxicate a canary?"

"Easy," said the professor. "Do not forget that the chair I occupy at this great university is the McLuhan-Jung Chair in Contemporary Commercial Culture. The

McLuhan part is every bit as important as the Jungian part. The significance of macho forest beasts on the collective unconscious is one thing, but the significance of modern media on the collective unconscious is quite another thing.

"People in Ontario have been stuffing their heads with American television and American television commercials for so long that they've completely forgotten whatever cultural myths they once held near and dear to them. Night after night, year after year, Canadians have watched Jonny cue Ed for a commercial break, and then have let the image of those eight prancing jetlock-flashing Budweiser Clydesdales hauling the Budweiser wagon wash over them. Over the years, they've come to disassociate what's in the Budweiser wagon from the metabolic product of what's pulling it. The undesirable has become desirable, in a truly Orwellian way."

"Where will it all end?" I asked.

"There is a rumor that the Anheuser-Busch Brewing Company is negotiating with the Miller Brewery company to brew Miller High Life and Miller Lite under licence in Canada."

I started to whimper — the thought of old Canadian lochs pushing Miller Lite on Canadian television was just too much for me.

"Enough of that nonsense," said the professor, offering me a bottle from a same case of Musk-Ox Ale marked for export. "The only thing the Miller Lite will do is make you sick."

NEWS

Cocaine convictions on upswing in Canada...

By D. G. Bastian

TORONTO - Cocaine is becoming more plentiful and accessible in British Columbia, Ontario, and Quebec, though the more radical and hazardous methods of taking the drug, such as "freebasing" and "speedballing," have not yet become popular in Canada.

That is the picture that emerged in interviews by The Journal with officials in the Royal Canadian Mounted Police (RCMP), Customs Canada, and the Bureau of Dangerous Drugs.

The picture is not as dramatic as that in the United States, where epidemiologists for the National Institute on Drug Abuse (NIDA) have fingered cocaine as the fastest-growing source of major drug-related medical problems.

There, freebasing and speedballing, along with an increase of

smoking and injecting the drug, are thought to be behind the upsurge.

In freebasing, cocaine is smoked or injected in doses made more powerful by chemical alteration with ether. (The Journal, July 1980). Speedballing is the hazardous combination of cocaine (a stimulant) with heroin (a depressant).

With 1980 figures on cocaine convictions and known users in Canada not yet tabulated, Jacques LeCavalier, director of the Bureau of Dangerous Drugs, Ottawa, said he preferred to take a cautious approach to the question of cocaine use in Canada.

"I have no reason to believe that its use is decreasing," Mr LeCavalier said.

However, RCMP figures for cocaine-related convictions in the first four months of 1981, if extrapolated over a full year, show a

marked increase over 1980.

The RCMP charged 276 people with possession, trafficking, or use of cocaine from January through April of this year. By year's end, that figure could be 828, compared with 597 people charged by the RCMP in all of 1980.

Definite increase

And Bureau of Dangerous Drugs figures show a jump in cocaine convictions across Canada by all law enforcement agencies, including the RCMP, from 332 people charged in 1978 to 433 charged in 1979.

Robert Fahiman, head of research for the RCMP, Ottawa, told The Journal: "There's definitely an increase in (cocaine) use over the past several years." He said the greater number of convictions each year since the

mid-1980s probably reflects increased availability, not better law enforcement.

Paul Zendrowski, a drug analyst in the intelligence division of Canada Customs, told The Journal the number of seizures of cocaine in Canada by Customs declined in 1980, down to 100 seizures compared with 155 in 1979. Total weight seized, however, was up in 1980 - 15,301 grams compared with 13,901 grams in 1979.

Although Colombia is the major exporter of cocaine to North America, Peru is the leading exporter of the drug to Canada, Mr Zendrowski said. There are direct flights from Lima, Peru, to Vancouver, Toronto, and Montreal, but none from Colombia.

A new development in trafficking is the attempt to throw customs officials off the trail by flying the drug from South America to Europe, and then to Montreal. Mr

Zendrowski said three major seizures of cocaine last year in Montreal were from traffickers who had gone from South America to Lisbon and Paris before flying to Canada.

And he said Customs Canada officials believe first class mail continues to be a major source of cocaine entering the country.

Stop mail seizures

In mid-1979, Customs officials were told by the government to stop making seizures of cocaine in first-class mail, because the handling of first-class mail, which is not susceptible to duties, was the responsibility solely of the Post Office.

Before that, cocaine seizures of mail were running into the hundreds each year, Mr Zendrowski said.

"We believe, from other sources, such as the RCMP, and from what we found earlier, that the method is still being heavily used," he said.

In this method of shipping cocaine, a small amount of the drug, about 10 grams, is put in a small plastic bag and enclosed in a greeting card or letter, and then mailed from South America or the United States to oneself, or a friend or relative who is helping finance the deal.

It is estimated by some officials that \$60 million or more worth of illegal drugs, including cocaine, enter Canada through the mails (The Journal, May 1980).

According to RCMP figures, the average price for cocaine in Canada in the first four months of 1981 was from \$30,000 to \$45,000 for a pound; from \$2,500 to \$4,000 for an ounce; and from \$125 to \$200 for a gram.

Cocaine procured on the streets is an average 12% to 20% potency.

Even with disturbing increases in availability and use of cocaine in Canada, most officials interviewed felt the problem was mild compared to the United States.

One RCMP investigator pointed out that Miami is expecting cocaine may soon be entering the US in shipments of several tons, as marijuana has in recent years.

Robert Petersen, assistant director of research for NIDA, said the "most startling" recent figure on cocaine use in the US comes from a 1979 NIDA nationwide survey.

The survey reported that the number of current users of cocaine in the principal using group (ages 18 to 25) increased from 3.7% in 1978 to 9.3% in 1979, an increase of almost 2 times.

He pointed out, however, that "current users" for the survey purposes, meant use of cocaine at least once in the month prior to the survey.

He also said that because coke is usually adulterated with non-cocaine substances, "a lot of the people who are current users may not have really tried coke - it may have just resembled coke."

While the NIDA is very concerned about freebasing, Mr Petersen said, it is aware that as long as US prices for a gram of cocaine stay around \$100, there are not likely to be many habitual users.

To a certain extent it is the thing to be able to see you have tried coke. It's a sense, more

while US freebasing fad fills ERs

SAN FRANCISCO - George R. Gay, director of emergency medicine at the Haight-Ashbury Free Medical Clinics, San Francisco, says more and more cocaine users are turning up in his emergency room (ER) for treatment.

They range from users who sniff the drug to those who seek ever stronger euphoria through smoking and injecting it, and freebasing (a process that alters the drug chemically by treating it with ether).

The increase at his ER is reflected across the United States by DAWN (Drug Abuse Warning Network) figures that rank cocaine as the 12th leading drug in drug-related deaths in 1979, up from 18th the year before.

In an interview with The Journal, Dr Gay said people are still not alerted to the danger at all.

"It's really a shame. The people who are involved have such a strong voice of denial that until their own physical status deteriorates to the point where they can't bear it they are going to abuse this tremendously euphoric drug."

In emergency rooms, he said, users should be considered paranoid and potentially dangerous. "Cocaine creates a true Dr Jekyll and Mr Hyde. The sweetest

character around turns into a vicious paranoid-schizophrenic.

"This is only an accentuation of the natural instinct that this drug reinforces - the instinct of self-preservation, the fight-or-flight response. Cocaine is very closely related to adrenaline and noradrenaline. In the classical fight-or-flight formulation, the individual animal in a hostile world is equipped with the mechanism for protecting himself - the bristles rise on the back of the cat, the pupils dilate, the individual becomes ready to fight or run.

"This is exactly what happens with cocaine: the same type of

potentiation of a natural response for the animal to protect itself in a hostile environment. And then when we see the more profound effects of chronic use, we begin to see an exaggeration of these same responses - the paranoid response is nothing more than the response of an individual to protect himself, even though what he perceives to be there is not truly there. This paranoia is in essence the residual of long-term use."

He said it takes a "very strong, ego structure to flirt with the drug and then leave it.

"I know plenty of people who do that, but for the person who has

that drug addiction liability, it's a disaster. They keep trying to regain that initial blast of euphoria."



Dr. Gay: "It's really a shame."

RCMP start with ounces

TORONTO - A Royal Canadian Mounted Police drug investigator believes increased immigration of Colombians to Canada largely accounts for the availability of cocaine in the Toronto-area.

When interviewed by The Journal, Staff Sergeant J.W. Horrocks, cocaine/cannabis unit, Toronto Drug Section, said: "We're just doing a round-up today of Colombians. Our success hasn't been too

great because I think the word's been out."

Sgt Horrocks said cocaine is so plentiful in Colombia that it is relatively easy for a Colombian moving to Canada to bring in a pound of cocaine (worth as much as \$45,000), mostly "body-packed" or hidden in furniture.

Sgt Horrocks said the RCMP does not know how much cocaine is on the streets of Toronto through gram dealers,

but suspects the amount is high.

"We're after the importers and larger dealers. We start at the ounces - I'm not saying we wouldn't start at the grams - but we're interested in the ounce dealers and up. It's very available in the Toronto area."

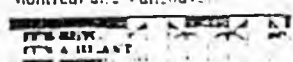
Quantities of cocaine seized by the RCMP in Toronto have been from 35% to 100% purity, Sgt Horrocks said, with street level cocaine around 15% pure.

Cocaine look-alike is big hit in US

By Jon Newton

BEVERLY HILLS, CA - A fine white powder resembling cocaine and being sold for about \$10 in 4,000 United States health food and drug stores, is making its already wealthy creator wealthier.

And Marc Bernstein says he has just appointed distributors in Montreal and Vancouver.



That is a 75 gram 'heavenly' product - it's called Zoom.

"Place a small amount of TOOT on metal foil. Heat over flame until smoke is visible. Do not directly inhale fumes as it may cause a toxic reaction."

Mr Bernstein, 37, told The Journal he plans to make at least \$20 million this year on Toot, which he admits "could conceivably" be used as a cocaine substitute, although he said he couldn't recommend it personally (Cocaine sells on the street for upwards of \$100 a gram).

Toot is called 'heavenly' because, he said, "cocaine is dangerous and has all kinds of side effects which damage your health."

Trading Company from the same address, selling Zoom. It is said to reach the consumer "direct from the Amazon Jungles."

This is touted as a specially formulated "body energizer." The healthy, legal way to an amphetamine-like boost, is the implication, at a trifling \$10 per 90-pill bottle. The large brownish pills contain guarana, "utilized by the Amazon Indians for centuries" to "restore mental alertness and reduce hunger and fatigue."

Toot has helped to make Mr Bernstein rich since he began marketing it in 1975.

Zoom is also called Brazilian because of its ingredients. It contains guarana, which contains

Toot claim it's "a blast" with a money-back guarantee. On the street, a "blast" is a major drug experience.

Mr Bernstein carefully guards the secret of his potions, but cocaine-doubles containing phenylpropanolamine, benzocaine, and caffeine, are widely available both in Canada and the US. The fact several cups of coffee could provide a Zoom-like effect seems not to have affected the products' sales.

Meanwhile, Mr Bernstein continues to make money on "organic night" which don't seem to have lost any US drug legislation.

And fans keep buying Zoom. That's why, Mr Bernstein

THE TRUE NORTH



Hummingly beautiful

Gas, oil, and alcohol fuel the last frontier

Up North. That mystical land atop North America stretching from the Bering Sea to Labrador: hundreds of millions of acres of forest, tundra, lakes, mountains, arctic coastline, abundant wildlife, and few people.

The wilderness. The last frontier. Midnight sun and forty below. Mosquitos and no-see-ums. Boom and bust. A section of continent divided only by a political boundary.

A beacon in the waning 20th century for the romantic and pioneer; the hard, high-rolling risk-taker; the loner running from the world and himself; the loser seeking the last chance to make it.

Northerners are alike. The outside is "down south" to Canadians and "the lower 48" to Alaskans. Ferocious winters allow no mistakes, and in summer in many areas grizzly and black bears, always extremely dangerous, are common in the bush. It is no Walt Disney World.

And northerners share more than geography, climate, and hard living: hard drinking. Despite the distances and isolation, alcohol and drug abuse are the major health and social problems.

In cities like Whitehorse, Juneau, Anchorage, and Fairbanks the bars are packed, winter and summer. The same drinking pattern is true in small communities, and in bush hamlets.

Drinking is part of life, especially as the population is so young and people feel they are different from the rest of the continent. They run risks, physical and economic, brave the elements, and are entitled to live a fantasy.

In some areas drinking is more evident among the Indians and Eskimos seen in public, but the problem is just as acute among whites. In many remote villages heavy alcohol use is the norm for adults.

Marijuana and cocaine are as available as alcohol, and PCP and

LSD use, glue and gasoline sniffing are common among many schoolchildren.

Access to alcohol is easier than in most other areas: Alaskans may drink in public for 21 hours a day, seven days a week; Yukoners have a 24 hour bar closing, but motels and other establishments can sell beer 24 hours a day.

In the bush the nearest liquor store can be 200 miles away, but hundreds of light planes are ready to fly booze in, landing on skis in winter and pontoons in summer.

When alcohol is banned by local option, bootleggers thrive: branded liquor flown in as personal air freight is sold for \$40 and up a fifth.

Problems for the natives are compounded by feelings of lost culture and language. Older Indians and Eskimos remember the severe beatings they received at missionary-run schools if they spoke their own language, wore their own clothes, or used their real names.

Modern life has brought freedom, but at the cost of a consumer society, television, and most damaging of all, millions of dollars poured out in benefits, which might save the white man's conscience but is often spent on alcohol.

Major efforts are being made by government officials and native leaders to contain alcohol and drug problems but, ironically, the present and future wealth from oil, gas, metals and minerals will for a time increase problems as they increase economic wellbeing.

Oil flowing down the pipeline from Prudhoe Bay to Valdez has made Alaska rich. Vast oil and gas reserves in Canada are yet to be tapped, but the Yukon Territory will get a slice of energy royalties if and when the natural gas pipeline is brought through along the Alaska highway into British Columbia en route to the lower 48.

Mining companies are staking

claims and prospecting for likely deposits all over the area now that the minerals and metals are economically worth working, despite enormous costs of production and the harsh climate.

One of the major exploration costs is plane and chopper time. Helicopters are as thick as mosquitos, and young men earn \$100 a day plus as they are raised and lowered from copters to drive in claim stakes.

Gold prices in the \$450 an ounce range have rekindled the hunt in the fabled Klondike River valley near Dawson, and the area is buzzing with activity writers Robert Service or Jack London would recognize.

Old claims are reworked along Bonanza and Hunker creeks, old claim titles scrutinized amid tales, often true, of big nugget finds.

Despite the secrecy which always surrounds prospecting, the bush telegraph is a reality and little goes unnoticed.

In Alaska, oil riches have been translated by the state government into a vast array of capital expenditure projects: public buildings, highways, dams, and more.

Wages are high and drinking matches them. In southeast Alaska wages are equally high for fishermen and lumber jacks.

Although the Yukon was opened up in 1942 with construction of the Alaska Highway, and Alaska has roads in the south, only in the past few years have roads been opened to the Arctic areas. Most travel is still by bush plane.

In rural areas transport is by boat in summer. In winter the husky dog and sled is a relic: snowmachines are everywhere.

In the Arctic, balloon-tired three-wheel cycles speed across the tundra, leaving tracks which will remain for a hundred years or more as the tundra regenerates, in the hunt for caribou, ducks, geese and moose.

Alaska has one advantage in

attempting to deal with its problems: settlement of native lands claims. Twelve native run corporations handle money from the claims, and royalties from drilling and mining.

Just as the RCMP (Royal Canadian Mounted Police) is the symbol of government in northern Canada, the Alaska State Trooper is now his counterpart. It would be hard to tell the difference.

James Messick, assistant to the commissioner for the Troopers, explained: "Mounties and the State Troopers feel at home with each other, we have good day-to-day liaison, and our forces engage in a lot of events such as pistol shooting contests."

"Their conditions are the same and they are involved in more than just law enforcement. Everything, from fire protection to emergency medical services to search and rescue. Troopers and Mounties are the only symbol of authority in the most areas. They are almost everything to everyone."

Like the RCMP, tours of duty are two years. "When you get into the ranks of the Troopers one thing is guaranteed: you will see the state before it is all over."

Major problems in the bush

"It is academic whether a person falls out of a boat and drowns, falls off a snowmachine and freezes, dies in a house fire caused by a cigarette, or is a victim of a shooting. The point is that almost all are alcohol related, and there is virtually no disagreement about that."

"Many Troopers say that if there was no alcohol available there would not be much for them to do."

Both Mounties and Troopers in the bush have been known to "unofficially" lend their assistance to native leaders who want to keep their communities dry.

The Journal

In this first of two Special Reports, Harvey McConnell, The Journal's contributing editor, Washington, reports from the top of the world — Alaska, in the United States, and Canada's Yukon Territory.

This month, he provides a broad perspective on the land, the people, and problems. Next month, he examines what Northerners are doing to try to deal with dramatically high rates of alcohol and other drug misuse and abuse.

The Journal is a monthly publication of the Addiction Research Foundation of Ontario, 33 Russett St., Toronto M5S 2S1, Ontario, Canada.

A recent report on fire prevention by G.W. Keinke and T. J. Bowering of the University of Toronto for the governments of the North West Territories, the Yukon Territory, Alaska and Greenland, found alcohol a major factor.

Communities with a low rate of alcohol consumption had a low rate of fires. Communities with a higher than average rate of alcohol consumption had a higher than average rate of fires.

Money to be made from liquor sales is not confined to legal stores and bootleggers. In Juneau, regulations were proposed which would stop cab drivers from selling bottles kept in the trunk, or from picking up and delivering liquor orders. Companies claimed this would deprive them of a third of their revenue.

The common attitude in the North is that one reason people came was to escape rules and regulations of more settled society. Laws iminge on their freedom.

Dennis Kelsc PhD, who has studied alcohol problems in Alaska, notes that frontier areas eventually absorb individual behavior is overcome by more institutional norms and more constraints come into being.

These constraints are still some ways off, he notes.



desperately trotting

A TALE OF TWO CITIES

Where toughness, alc/drug use go hand in hand

WHITEHORSE — Most Yukoners object on principle to any new laws, making it doubly difficult to deal with heavy drinking, one of the territory's major concerns.

Two years ago Whitehorse banned drinking in the streets. The night before the ban began scores of people turned out to hold a boisterous party on the Yukon River bank in the centre of town, and empty beer cans were hurled at passing cars.

What was even more depressing, says James Davies, deputy minister of health and human resources for the territory, was that on the previous night on the same ground a 14-year-old boy had passed out in a drunken stupor and drowned in his own vomit.

Mr Davies said that before the ban "It always amazed me to see people in a bar lift up their glass and walk down the street to another bar, with the drink still in their hand, or to see people driving down the street in their trucks drinking beer from a can."

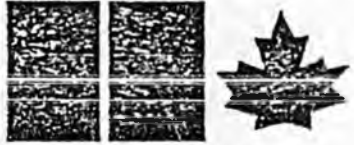
The ban has worked in that fewer people drink in Whitehorse streets. "But it hasn't worked in that it hasn't cut down on the amount of drinking."

Mr Davies said there is antipathy toward introduction of any laws. "People still feel they have this relative freedom here, and any new law impinges on or limits this. They feel they have come away from the big cities and their restrictions, and they don't want anything imposed on them."

A similar attitude extends to hunting laws, or the need for a licence, or the necessity for a building inspector to approve proposed additions to a house.

Except for the Indians and Eskimos, there are few native Yukoners. Even among those who grow up in the territory,

WHITEHORSE



harsh winters force them south when they get older.

Heavy drinking has always been part of the Yukon ethos but, in the last five years Mr Davies feels, "Whitehorse has become more sophisticated in the wrong kind of way. Now we have problems with drugs, which have never been considered all that serious until now."

Drug use is reflected in juvenile court case loads: five years ago approximately 90% were Indian children who were charged with what were considered minor offences, such as shoplifting, but they committed little malicious crime.

Mr Davies: "Now the situation has changed and about 50% of the case load is white children and they are charged with more serious matters, such as breaking and entering, and with drug offences."

"Although I have no research to base this on, my gut feeling from what you hear from staff and others is that while the Indian kids are still drinking beer, the white kids are on drugs."

Drug use has been fairly common for a number of years in mining areas of the territory. Most of the workers are young men from "down south" who have a lot of money to spend on drugs coming in from Alberta and British Columbia.

Mr Davies said his theory "is that our trends in the Yukon go behind everyone else's, and maybe this is one of the isolation factors. We are now seeing an in-

crease not only in marijuana use, but also in LSD and speed.

"Drugs have never been considered all that serious until now, and I think the RCMP attitude has been to be rather lenient on individuals who smoked marijuana as they were more interested in the pushers."

The boom anticipated in Whitehorse, if the natural gas pipeline comes through the territory from Alaska, is a serious cause for concern. But a pipeline construction is not the only thing which might upset the social fabric of the Yukon.

Mr Davies noted: "Don't forget, you have only about 25,000 people in the Yukon, and most live in the Whitehorse area. If you were to bring in 300 people for a new mine or industry, you bring in also wives and children."

"Then you have to develop the mine site, you have to put in roads, you have to have water. This affects the environment, the wildlife, in fact, the whole fabric around the mine area."

Alcohol use and abuse is the most visible problem in the Yukon. "It is the attitude you have to be tough to battle the elements, so a tough guy can knock a bottle back."

The casual tourist would think the major problem was among natives because more of them appear drunk in public, "but there is no doubt that this is a total problem among Indians and whites," Mr Davies added.

Given their living conditions and economic status, drinking is more obviously harmful to the native population, and their leaders realize this. "No alcohol or drugs" is the rule at official gatherings.

Mr Davies pointed out that, unlike Alaska, there is only a handful of communities in the Yukon with a solely native

population. Attempts by the native community to tighten up laws on alcohol use can provoke a backlash: "You don't do this in Whitehorse."

The Yukon government is now examining whether it is prepared to put more money into alcohol and drug programs. "But I don't think you can expect the alcohol and drug services to solve all the alcohol and drug problems," Mr Davies continued.

"I don't think if we doubled the staff and programs tomorrow that we would make much dent in the alcohol problem. It has to be more a change in attitudes and possibly this is something we can help to bring about."

Mr Davies said he believes change, and the problems change causes, are inevitable. "I am sure there will be drastic changes in the Yukon in the next 20 years. This territory is bound to develop."

"It is the trend of things, and I don't think you are going to stop it."



Davies: a negative sophistication

Best place to be free from society's restraint?

JUNEAU — Robert Cole is in a position other state alcohol and drug abuse directors envy — 90% of his money comes from the state and he has \$18 million to spend on programs for 405,000 people.

"This may seem absurd on the surface until you realize we encompass a geographic area two times the size of Texas, or equal to 30% of the land mass of the contiguous United States, and we have more than 200 communities in this area," Mr Cole said.

In addition, "the population of Alaska drinks more, and drinks more frequently and heavily, than any other part of the country, with the possible exception of Indian reservations and big city ghetto populations."

Mr Cole, who is coordinator of the state Office of Alcoholism and Drug Abuse, said the population of Alaska "tends to be relatively young, pretty energetic, and high risk people. They act out a lot of behavior which would not be very acceptable in standard middle class com-

munities in the lower 48. The norms of behavior in this state are far more tolerant than in, say, Kansas."

There is an inescapable factor every resident in the North has to contend with — the weather. "And the weather can, in fact, be foul a great deal of the time. It is dark for a goodly part of the year, and cold. Here in the southeast it is wet and rainy."

"Up here in the North there is a feeling of community between Alaskans and Yukoners, and for that matter northern British Columbia, the sense of being a whole and isolated from the rest of Canada and the US."

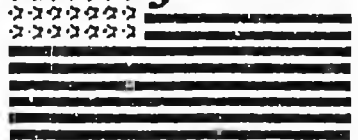
"And maybe, except for small parts of Africa, South America, or Siberia, this is the last frontier where you can get off into the wilderness and live a very unfettered personal life. It is both a blessing and a curse to be cut loose from restraints of society."

"You have got to be careful all the time and keep your wits about you. Alcohol tends to make people less careful, they lose their restraints and they do stupid things, and you can't make mistakes in the winter, especially. You don't dare. The weather is always there and it doesn't take much of a slip-up and she'll get you."

Mr Cole said that if one takes rapid cultural changes, rapid economic growth, a feeling of helplessness among many, a young and large risk-taking male population, bad weather, bars open 24 hours, seven days a week, and no controls on advertising, sales and distribution, it is "almost predetermined."

"And sure as hell, that's what we've got. We have our own built-in pressure about putting the community in balance, and this means reasonable restrictions on prices, opening hours, on sales and distribution, and a bar that is the mainstay of a community."

JUNEAU



of private planes.

Suicide is also the highest in the US. In one rural area two winters ago there were 14 suicides in a population of 4,000. Every one was a native male aged 15-25 and every one was committed at the end of a week or two drinking spree.

Mr Cole said he has a theory, though not very well grounded at the moment, for the underlying causes of alcohol abuse and violent behavior in the native population.

"If you perceive you can't control the political, economic, social, cultural, or financial systems, and by definition you are a passive object of the system and they will do with you what they will, I think this creates a terrific amount of alienation, fear, anger, and frustration."

"Further, if you perceive there is no way you can change or alter that which you find distasteful, then you tend to turn your aggression on yourself and those closest to you. In addition, in the rural areas you have three or four generations of people who learned to drink by drinking heavily initially."

As for drug problems, Mr Cole noted that Alaska has a liberal policy on marijuana and the drug is used widely.

"Unfortunately, in recent years it has become a real social problem as there have been many, many reported incidents of kids beginning at about age 11 and throughout late grade school using marijuana fairly frequently."

Alcohol use is also high and is spread among all social classes. Heavy use was also made by the construction boom in the

"We have 500,000 miles of coastline, 10,000 bays and bights, the highest per capita ownership of planes in the US, and one of the highest for pleasure and marine craft, including 23,000 licensed fishing boats and God knows how many ships bringing up barges — plus worldwide air traffic through Anchorage and Fairbanks."

When the salmon are running there are only three or four weeks for the fishermen to operate. "It is rumored whole fleets operate on coke and speed because you can make tens of thousands of dollars in that time if you do it right."

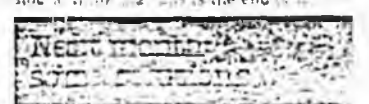
Mr Cole points out that while Alaska now has money to spend because of oil, until 1975 the state had five straight years of budget deficits. And it has only been in the past 20 months that the state "gave us this wonderful injection of cash."

Despite the problems, there are many compensations. "I think the people who live in the North are far and away the most resilient people I have ever been around in my life, either native or Caucasian. They tend to be stubborn, intelligent, reasonably hard working when they feel like working, and tenacious."

"In that regard, when people seek treatment programs they respond very well. A lot of people are surprised to find that if the natives are allowed to design a system to fit their own cultural values, they work quite well."

Women and their rights have also made great strides in Alaska. "And women are no longer to be passive victims." Most of the women who come North are the counterpart to the male "and you don't find many shy, retiring women around."

Mr Cole feels life in the north today is similar to the earlier experiences across North America as the frontiers moved west. "It is really kind of sad when you stop to think that's the end of it."



A NORTHERN NOTEBOOK

There's the land. (Have you seen it?)
 It's the cussedest land that I know.
 From the big, dizzy mountains that screen it
 To the deep, deathlike valleys below it.
 Someday God's men'll look down He made it
 Some call it a fine land for sure.
 Maybe - but there's some as would trade
 For no land on earth - and I'm one.

'The cussedest land that I know'

The Yukon Visitors Association guide urges tourists to "come on in to freedom and excitement in Canada's last great frontier." On page 26 it notes: "The type of firearm recommended for survival or protection in remote areas is a 12 gauge shotgun."

The sun slid toward the horizon, paused, and then at 12:30 am began to rise over the ice-misty Arctic Sea, and the empty Calvert bottle on the beach.

"I doubt there is a young person in Yukon schools who is not touched in a very negative way by alcohol and drug problems. We are finding kids 7-10 years old into glue sniffing."

- Yvonne

"Up here, people have at least 10 to 15 drinks at a dinner party. It is not at all unusual to have a guest all asleep at the table. But they are always invited back."

"You can always tell as you set foot in a village if the women are drinking as well as the men. If they are not, the village is clean. If they are, then it looks, and is, a mess."

- Bob Martel



Aleut woman

"I am from New York and I know about drunks, but I still get into bars here to pick up passengers. Always a lot of hassle. I don't think the natives get more drunk than the whites, they just

Alaska has not had a tax increase on liquor since it gained statehood 30 years ago. The trade is controlled by four distributors in Seattle who have powerful friends in the legislature.



Tracking the tundra



Reporter McConnell on Arctic Sea ice

get tossed out of the bars sooner."
 - Anchorage cab driver

The Whitehorse Band is the largest in the Yukon and drinking is a very serious problem. Over the next three years the village will be moved to Crown land across the Yukon River from its present site - between a truck yard and the city sewage ponds.

"I know some of these young guys use drugs up here, but not in my plant where they are working with machinery. They know I will fire them on the spot and I don't have to give any reason."

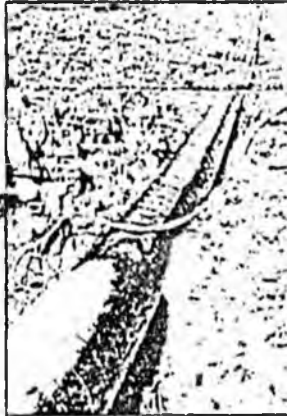
"I tell you what is going to happen within 30 years - the oil companies and the mining companies and the governments are going to rape this land and then leave it. You can see what they have done to the timber stands along the coasts. And when the money goes the whites are going to go, and then the natives pick up the pieces?"

It is a long way from Whitehorse to the south - about 1,500 miles to Edmonton or Vancouver. Yet every winter it has a big city problem: ice fogs which trap exhaust fumes for days or weeks.

"One encouraging sign is that the natives are starting to stand up for

sitting around smoking marijuana and giving it to their young kids."

The elderly couple from California were the only tourists visiting dusty Fort Yukon that day. They seemed to understand the situation when the very drunk middle-aged Indian walked up and told



The pipeline, a homestead

each other, which has not been done before because there was always rivalry between Eskimos and Aleut, Tlingit and Haida and Athabaskan. They are now

their young guide: "I am an Indian, and White Man full of... White man should get out of my land."

"Drinking in Juneau is heavy, and not the martini type. In fact, I don't think any of the bars here have a martini glass - they would just fill up a water glass."

Although "cabin fever" is thought to be the most pressing and depressing problem for many Northerners, it is in the early spring when "break up" begins that violence reaches its peak - unexpected and unaccountably. It is also the time when most people commit suicide.

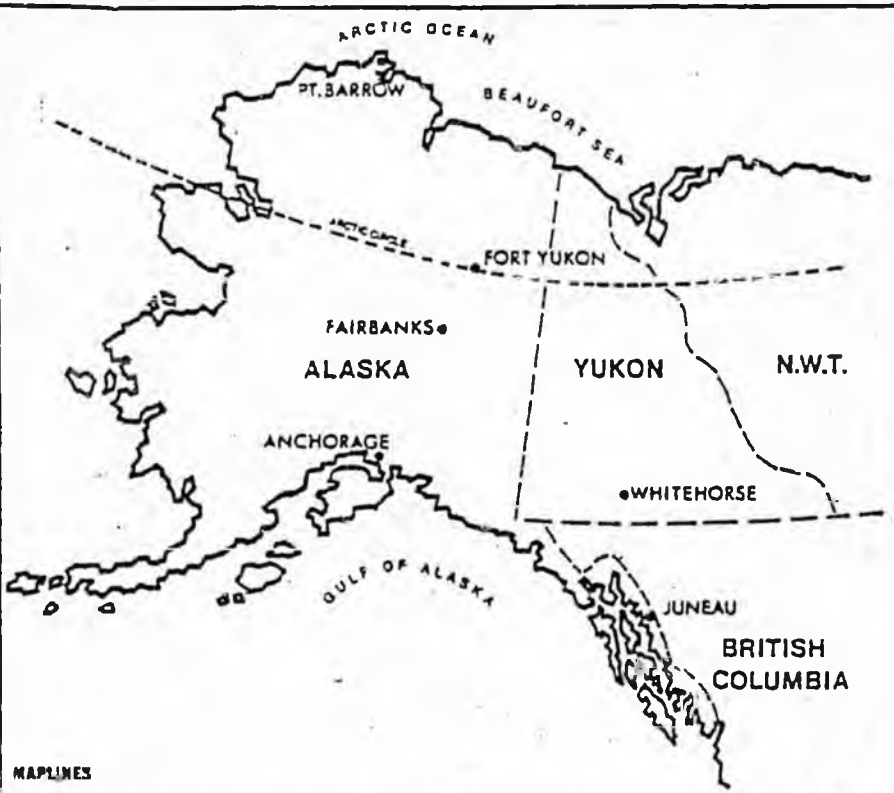
Mid-February is rendezvous time all over the North, a week of contests, socializing, and drinking. And drinking.

"I have worked, on and off, in the Arctic area for about 13 years and it really depresses me now to go into a tiny Eskimo village and see a family I have known for so long

"I attend a lot of meetings of recovering alcoholics here, and I am always struck by the number of young people there who say they had a father or mother who deliberately came to Alaska to get



THE TRUE NORTH



MAPLINES

“They want the Alaskan experience, but they don't want to stay”

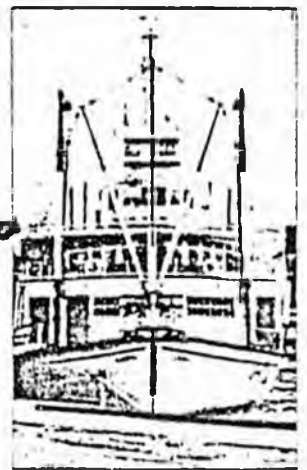
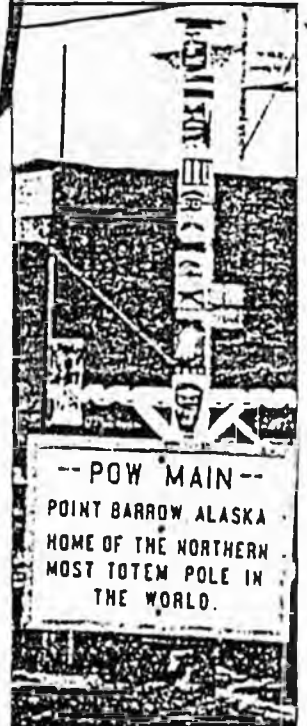
natives. Now they are throwing in rafts of money and trying to promote middle class ideas and programs, and they are not going to work. AA is not going to work. The only way the problem will be solved is by the natives themselves.”

“Some people refer to an environmental phenomenon as ‘God's way of cleaning up.’ I feel that alcohol is one of those things which is helping to clean our people up. That those who survive it will be strong. We are a sleeping giant which is beginning to wake up.”

— Tom Jimmie



Some traditions remain



Grounded

There's a land where the mountains are mountains
And rivers all run God's way
There are lives that are exciting and aimless
And deaths that just come by a train
There are hardships that nobody reckons
There are valleys unpeopled and still
There's a land—oh, it beckons and beckons
And I want to go back—and I will

Communities on McConnell's itinerary

“Women up here are real tough. They accept hardships and they will not take a lot of bull from men. This may be one of the causes of violence because women, by and large, tend to be self-sufficient and able to take care of themselves no matter what kind of circumstances they find themselves in”

“I visited a community just as it was celebrating the Russian Orthodox Easter. The only other people I saw sober were the Russian Orthodox priest and his wife.”

“The white man did screw the

Sugar addiction is a major dental problem among native children, and village grocery stores sell an enormous amount of soda pop, candy, and junk food. Rita Hogan, a nutrition specialist who works for the Tanana Chiefs Conference, (a native corporation) is trying to promote a return to native foods, especially grains and berries.

“The problem is that in the past they were told that native food was no good. Now many are so suspicious of hearing once again a white say this is good for you.”

“The price of furs is going to be higher for years, and there is good trapping around Fort Yukon. If it weren't for alcohol this would be a paradise, a real paradise.”

— Kris Krestensen

“Blaming the white man for everything has not achieved anything so far, and I have no reason to believe advancing that line of thinking is going to achieve anything in the future. Indians in India could have blamed everything that went wrong on the British after independence, but you don't hear that anymore.”

“Many professional people come up here to play so they can go back down to the lower 48 and say ‘I have been to Alaska. They want to go hunting and fishing and experience the Alaskan dream but they don't want to stay.’”

— Joan Alfonso

away from their drinking problem.”

a raft of booze to share with the village as a reward.”

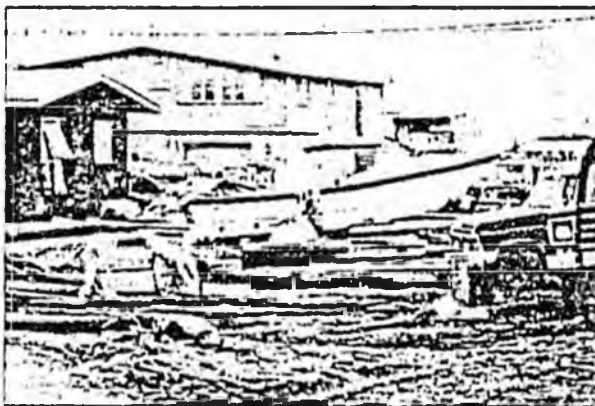
“While the Indians may want to return to some of their old ways, they want the new ways too. I don't know of any in my village, where I have lived 11 years, who want to go back to bow and arrows if they can have a gun, or to pulling boats up the river if they can have an outboard motor.”

“Last summer I did a tour of Alaska, and I had to keep reminding myself it was the States.”

— James Davies

“Many natives made a lot of money working on construction of the oil pipeline, but many would either blow their cheque, or get rolled in Fairbanks. And if they did get home with the money it was understood they better bring back

Alaska Airlines and Brantiff operate planes daily between Anchorage, with a stop at Seattle, to Dallas and Houston. The plane is



In Point Barrow

usually two-thirds full of workers travelling to or from Prudhoe Bay

Indians in the Yukon don't seem to dislike the white man as the white man dislikes the Indian. The Indians have tremendous regard for the royalty and they regard the queen as their “white protector”

“Our studies indicate that the people causing our most serious problems are what I call the ‘white’ elements. These are young white people who are not interested in



A TALE OF TWO CITIES

Where toughness, alc/drug use go hand in hand

WHITEHORSE - Most Yukoners object on principle to any new laws, making it doubly difficult to deal with heavy drinking, one of the territory's major concerns.

Two years ago Whitehorse banned drinking in the streets. The night before the ban began scores of people turned out to hold a boisterous party on the Yukon River bank in the centre of town, and empty beer cans were hurled at passing cars.

What was even more depressing, says James Davies, deputy minister of health and human resources for the territory, was that on the previous night on the same ground a 14-year-old boy had passed out in a drunken stupor and drowned in his own vomit.

Mr Davies said that before the ban "it always amazed me to see people in a bar lift up their glass and walk down the street to another bar, with the drink still in their hand, or to see people driving down the street in their trucks drinking beer from a can."

The ban has worked in that fewer people drink in Whitehorse streets. "But it hasn't worked in that it hasn't cut down on the amount of drinking."

Mr Davies said there is antipathy toward introduction of any laws. "People still feel they have this relative freedom here, and any new law impinges on or limits this. They feel they have come away from the big cities and their restrictions, and they don't want anything imposed on them."

A similar attitude extends to hunting laws, or the need for a licence, or the necessity for a building inspector to approve proposed additions to a house.

Except for the Indians and Eskimos, there are few native Yukoners. Even among those who grow up in the territory,

WHITEHORSE



harsh winters force them south when they get older.

Heavy drinking has always been part of the Yukon ethos but, in the last five years Mr Davies feels, "Whitehorse has become more sophisticated in the wrong kind of way. Now we have problems with drugs, which have never been considered all that serious until now."

Drug use is reflected in juvenile court case loads: five years ago approximately 90% were Indian children who were charged with what were considered minor offences, such as shoplifting, but they committed little malicious crime.

Mr Davies: "Now the situation has changed and about 50% of the case load is white children and they are charged with more serious matters, such as breaking and entering, and with drug offences."

"Although I have no research to base this on, my gut feeling from what you hear from staff and others is that while the Indian kids are still drinking beer, the white kids are on drugs."

Drug use has been fairly common for a number of years in mining areas of the territory. Most of the workers are young men from "down south" who have a lot of money to spend on drugs coming in from Alberta and British Columbia.

Mr Davies said his theory "is that our trends in the Yukon go behind everyone else's, and maybe this is one of the isolation factors. We are now seeing an in-

crease not only in marijuana use, but also in LSD and speed.

"Drugs have never been considered all that serious until now, and I think the RCMP attitude has been to be rather lenient on individuals who smoked marijuana as they were more interested in the pushers."

The boom anticipated in Whitehorse, if the natural gas pipeline comes through the territory from Alaska, is a serious cause for concern. But a pipeline construction is not the only thing which might upset the social fabric of the Yukon.

Mr Davies noted: "Don't forget, you have only about 25,000 people in the Yukon, and most live in the Whitehorse area. If you were to bring in 300 people for a new mine or industry, you bring in also wives and children."

"Then you have to develop the mine site, you have to put in roads, you have to have water. This affects the environment, the wildlife, in fact, the whole fabric around the mine area."

Alcohol use and abuse is the most visible problem in the Yukon. "It is the attitude you have to be tough to battle the elements, so a tough guy can knock a bottle back."

The casual tourist would think the major problem was among natives because more of them appear drunk in public, "but there is no doubt that this is a total problem among Indians and whites," Mr Davies added.

Given their living conditions and economic status, drinking is more obviously harmful to the native population, and their leaders realize this. "No alcohol or drugs" is the rule at official gatherings.

Mr Davies pointed out that, unlike Alaska, there is only a handful of communities in the Yukon with a solely native

population. Attempts by the native community to tighten up laws on alcohol use can provoke a backlash: "You don't do this in Whitehorse."

The Yukon government is now examining whether it is prepared to put more money into alcohol and drug programs. "But I don't think you can expect the alcohol and drug services to solve all the alcohol and drug problems," Mr Davies continued.

"I don't think if we doubled the staff and programs tomorrow that we would make much dent in the alcohol problem. It has to be more a change in attitudes and possibly this is something we can help to bring about."

Mr Davies said he believes change, and the problems change causes, are inevitable. "I am sure there will be dramatic changes in the Yukon in the next 20 years. This territory is bound to develop."

"It is the trend of things, and I don't think you are going to stop it."



Davies: a negative sophistication

Last place to be free from society's restraint?

JUNEAU - Robert Cole is in a position other state alcohol and drug abuse directors envy - 90% of his money comes from the state and he has \$18 million to spend on programs for 405,000 people.

"This may seem absurd on the surface until you realize we encompass a geographic area two times the size of Texas, or equal to 20% of the land mass of the contiguous United States, and we have more than 200 communities in this area," Mr Cole said.

In addition, "the population of Alaska drinks more, and drinks more frequently and heavily, than any other part of the country, with the possible exception of Indian reservations and big city ghetto populations."

Mr Cole, who is coordinator of the state Office of Alcoholism and Drug Abuse, said the population of Alaska "tends to be relatively young, pretty energetic, and high risk people. They act out a lot of behavior which would not be very acceptable in standard middle class com-

munities in the lower 48. The norms of behavior in this state are far more tolerant than in, say, Kansas."

There is an inescapable factor every resident in the North has to contend with - the weather. "And the weather can, in fact, be foul a great deal of the time. It is dark for a goodly part of the year, and cold. Here in the southeast it is wet and rainy."

"Up here in the North there is a feeling of community between Alaskans and Yukoners, and for that matter northern British Columbia, the sense of being a whole and isolated from the rest of Canada and the US."

"And maybe, except for small parts of Africa, South America, or Siberia, this is the last frontier where you can get off into the wilderness and live a very unfiltered personal life. It is both a blessing and a curse to be cut loose from restraints of society."

"You have got to be careful all the time and keep your wits about you. Alcohol tends to make people less careful, they lose their restraints and they do stupid things, and you can't make mistakes in the winter, especially. You don't dare. The weather is always there and it doesn't take much of a slip-up and she'll get you."

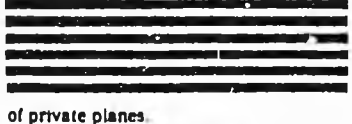
Mr Cole said that if one takes rapid cultural changes, rapid economic growth, a feeling of helplessness among many, a young and large risk-taking male population, bad weather, bars open 24 hours, seven days a week, and no controls on advertising, sales and distribution, it is "almost predetermined."

"And sure as hell, that's what we've got. We have our own buzz phrase about putting the community in balance and this means reasonable restrictions on prices, opening hours, sales and distribution, and a bar on advertising to the community."

As for drug problems, Mr Cole noted that Alaska has a liberal policy on marijuana and the drug is used widely.

"Unfortunately, in recent years it has become a real social problem as there have been many, many reported incidents of kids beginning at about age 11 and throughout late grade school, using marijuana frequently."

JUNEAU



of private planes. Suicide is also the highest in the US. In one rural area two winters ago there were 14 suicides in a population of 4,000. Every one was a native male aged 15-25 and every one was committed at the end of a week or two drinking spree.

Mr Cole said he has a theory, though not very well grounded at the moment, for the underlying causes of alcohol abuse and violent behavior in the native population.

"If you perceive you can't control the political, economic, social, cultural, or financial systems, and by definition you are a passive object of the system and they will do with you what they will, I think this creates a terrific amount of alienation, fear, anger, and frustration."

"Further, if you perceive there is no way you can change or alter that which you find distasteful, then you tend to turn your aggression on yourself and those closest to you. In addition, in the rural areas you have three or four generations of people who learned to drink by drinking heavily initially."

As for drug problems, Mr Cole noted that Alaska has a liberal policy on marijuana and the drug is used widely.

"Unfortunately, in recent years it has become a real social problem as there have been many, many reported incidents of kids beginning at about age 11 and throughout late grade school, using marijuana frequently."

Water use is also high and the state is one of the most water-conscious in the country.

"We have 500,000 miles of coastline, 10 000 bays and bights, the highest per capita ownership of planes in the US, and one of the highest for pleasure and marine craft, including 23,000 licensed fishing boats and God knows how many ships bringing up barges - plus worldwide air traffic through Anchorage and Fairbanks."

When the salmon are running there are only three or four weeks for the fishermen to operate. "It is rumored whole fleets operate on coke and speed because you can make tens of thousands of dollars in that time if you do it right."

Mr Cole points out that while Alaska now has money to spend because of oil, until 1975 the state had five straight years of budget deficits. And it has only been in the past 20 months that the state "gave us this wonderful injection of cash."

Despite the problems, there are many compensations. "I think the people who live in the North are far and away the most resilient people I have ever been around in my life, either native or Caucasian. They tend to be stubborn, intelligent, reasonably hard working when they feel like working, and tenacious."

"In that regard, when people seek treatment programs they respond very well. A lot of people are surprised to find that if the natives are allowed to design a system to fit their own cultural values, they work quite well."

Women and their rights have also made great strides in Alaska. "And women are no longer to be passive victims." Most of the women who come North are the counterpart to the male "and you don't find many shy, retiring women around."

Mr Cole feels life in the North today is similar to the early experiences across North America at the frontiers called west. "It is not a bad thing when you stop to think about it at the end of a day."



Oil spilling into addictions field

ST JOHN'S NFLD - The racket of construction work reverberates through St John's. This is Newfoundland which, with Labrador, is Canada's youngest province.

And it's developing country. Canada's "have-not province" is about to get rich on offshore oil.

Tom Doyle is a "Newfoundlander first, a Canadian second," and, in no other particular order, a businessman and chairman of the Alcohol and Drug Addiction Foundation (ADAF), a private organization and the chief one in the field in the province.

"We're a have-not province and we don't like it. We've come across a resource the Lord put there just the same as He put the fish in the ocean and we want to bring it in," he says.

There's excitement and fear. Some know the fallout of rapid social change includes increased alcohol and drug abuse. Mr Doyle is one. They've heard from Scotland, Norway, Canada's north and west - other areas blessed and cursed with oil.

In the winding, hilly streets of low, wooden shops, houses, and bars, that is St John's, a few office towers stretch into the sky, dominating the view of the famous old port from vantage points miles away.

On a prominent hill looking over the Narrows, the entrance to the harbor, a new Canadian National Railway hotel is going up to shadow the edge of the city.

The old CN Hotel Newfoundlander for many years served comfortably both gala local events and visitors. Now, it will probably be torn down, although some local residents are fighting for its preservation as part of the province's heritage.

Newfoundland was its own dominion before joining Canada in 1949 and few people over 30 years old forget that. It can also trace its history to a time before Christ.

An Indian burial ground in the province dates back 4,000 years.

In the year 1,000 AD, it was the site of a Viking settlement.

Nine-hundred and one years later, in 1901, Marconi received the first transatlantic wireless signal on equipment set up on what is now Signal Hill National Park, overlooking the harbor and city of St John's.

Amelia Earhart and Charles and Anne Lindbergh were all here between 1919 and 1937, for pioneering transatlantic airplane flights.

For centuries, Newfoundlanders, with their closed, quiet, and clanish ways, the Catholics and Protestants, as today, at friendly loggerheads, went on with their lives - fishing, later mining iron ore, and watching visitors come and go.

Now, outsiders are coming again. Oil people. Some will leave but some of the money and ways they bring with them will touch Newfoundland forever.

The province is heading into the second half of 1981 on target to reach a forecast 3% growth in its gross domestic product. But, many of its 573,000 people on some 156,185 square miles (about four people per square mile or two per square kilometer) reckon the best is yet to come.

For the oil under the seas, and under the fish that bring them about \$100,000,000 annually, is finally worth the expense outsiders will pay to seek it out and take it.

Today, there's exploration. Tomorrow, there'll be production. Gradually there'll be benefits and, with them, problems.

Among addictions workers, the fear, the knowledge, is that already serious problems of alcohol use, and to a lesser extent, drug abuse, will skyrocket in the wake of the new money, the new stresses, the new people, the cultural shifts.

Alcohol already brings various social problems.

Last count, and before oil talk had changed the future, the figures were grim.

Between 1970 and 1978, per capita consumption rose from 10.5 to 14.4 units, according to the Alcohol Commission. In 1978, 100,000 people were treated for alcohol-related problems.

Report and pictures by Anne MacLennan

increase annually. About 10% of adult drinkers, or 50,000 people, suffer alcohol-related disabilities.

In 1990, an estimated 300 people died of alcohol-related disease, 100 of them from cirrhosis of the liver. The incidence of cirrhosis has increased approximately 40% since 1970.

Between 1970 and 1978, teenage drinking increased by 90%. (At the same time, there was a 300% increase in cannabis use by young people.)

In 1978, approximately 1,000 children were victims of alcohol-related child abuse. Upwards of 50% of violent crimes are alcohol-related.

At the end of June, Tom Hickey, the provincial government's minister of social services, announced a "very significant and important government policy."

Mr Hickey, a social worker, has worked closely with Tom Doyle and a handful of others in the field, and knows something of what lies ahead.

His announcement concerned the government's decision to establish an Alcohol and Drug Dependency Commission and to double, by next year, to \$1.3 million, the amount of government funding in addictions problems. This when most governments are holding steady or cutting back.

The commission's chief objectives, he said, are to bring together under one central agency services currently funded by government, and to develop and establish new services.

"It will have immediate impact on services and this will be particularly evident in the areas of public education and preventative programs, especially for young people," he said.

But the commission is the culmination of effort over several years to respond to yesterday's pre-oil realities. Will a doubling of the current budget be nearly enough in the face of the coming problems?

A few days later, in an interview with The Journal, Mr Hickey addressed the question. It was the week that Newfoundland and Labrador welcomed delegates from across Canada to this year's meeting in St John's of the Canadian Addictions Foundation (CAF). The theme was Social Change and Addictions.

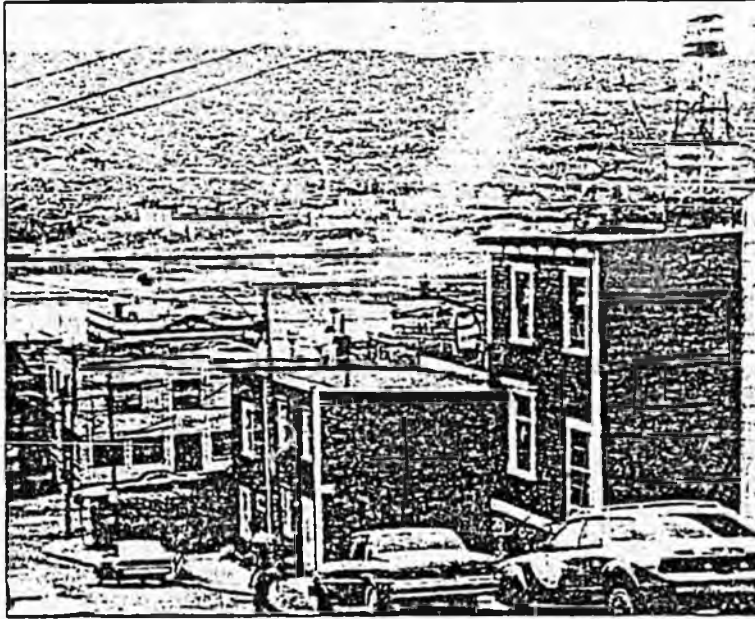
"What people have to understand is where we've come from in terms of dollars and of emphasis or recognition of this problem," Mr Hickey told The Journal.

"There is much more alcoholism and alcohol-related trouble in this province than the people you rub shoulders with in the street know about or acknowledge.

"It takes time, education. The only way it will be opened up is through education. With the commission we have broken the back of that."

Meanwhile, small cracks are already appearing in the fabric of the society.

"It's not going to start and end with alcohol," said Mr Hickey. "There will be



Tower of oil drilling ship in part for supplies looms over old St John's.

serious consequences culturally which produce other types of problems. This is obvious when you see your culture, your way of life, or the standards by which you've lived, appearing to outsiders to be strange or odd or inadequate, where our way of life is not being understood by newcomers and their way of life is not being understood by us.

"That's why I feel there is a need for ownership and control of development in this province. If we are in control, if we're allowed to do it our way, the areas of trouble will be confined."

How soon will the problems come? Mr Hickey: "It's shortsighted to think we have five years. We haven't any time. We have to work very hard to keep pace with what's going on right now."

Although his agency will be absorbed, Tom Doyle is delighted about the commission.

"It totally broadens our scope. We don't give a damn if it's no longer called ADAF. What we're trying to do is get a handle on how to cope. We can't stop it from happening - anybody talking about getting rid of booze is beating his head against the wall - but we want to reduce the incidence."

One of Mr Doyle's chief concerns, too, is "the loss of our way of life."

"What happens if there's an oil spill in the fishing ground? Some scientists say nothing. Some say everything. There's even disagreement among the fishermen. Who's right and who's wrong? We don't know."

Wayne Smith, consultant on alcohol and drug abuse to Mr Hickey's ministry, is one of the people who've been searching out information on the impact on addictions of offshore development.

His research has taken him "by phone and on paper" around the world - to the west and north of Canada; to New Mexico, Colorado, and the Gulf coast of Texas in the United States; to Aberdeen and the Shetland Islands in Scotland; to Norway and back to Newfoundland.

So far, he has found a lot of research on industrial implications and economic considerations but "very little that zeroed in on social problems and particularly addictions."

There "is, however, sufficient information for us to be concerned enough to take immediate action in preparing for offshore development."

"One point was obvious. The boom phenomenon carries with it serious addictions problems," said Mr Smith.

One of his stories, in a presentation to the CAF meeting, concerned Fort McMurray, Alberta, another area of rapid resource development.

The paper, which studied Fort McMurray, indicated that alcohol-related ailments, such as other illnesses combined with the stress of the boom,

jailed, 69% were for intoxication. Of the 2,000 cases heard in court in the same year, over 50% were alcohol-related."

Another of Mr Smith's stories was from Norway and Robert Ryall of the Rogland Research Institute in Stavanger, Norway close to the North Sea operations.

For the past three years, Dr Ryall has studied the rural fishing community and the impact of oil and gas.

"Dr Ryall immediately said: 'Yes, alcohol problems increase at an alarming rate. Yes, most assuredly.'"

Dr Ryall's advice? Newfoundland should build up the social service apparatus ahead of time, even in the absence of actual visible development.

Added Wayne Smith: "It would be fair to say that most of the research dealing with social impact of rapid growth suggests one major theme with regard to addictions. Without proper planning, without the proper infrastructure which includes facilities, recreation, housing, etc., addictions problems will be disproportionate to other social phenomena."

"Further, with the increase in addictions, other social problems such as child abuse, wife beating, domestic violence, etc., will magnify."

Norman Giesbrecht is a researcher at the Addiction Research Foundation of Ontario, Ontario's commission. He is also co-author with Scott Macdonald of a study, presented at the conference, on Northern Development and Research on Alcohol Problems.

As did others, he cautioned against "gloom and doom projections."

"I can't think there'll be no social problems in a situation where new towns are created, where there's an influx of people and of dollars to an area where consumption is already high."

"At the same time, that development period is, in the longer run, a preferred alternative to having an economy become weaker and weaker. That also has problems."

"You can't dress up data on human beings to make it sound like data on stress factors in machines."

"But, you can get good, basic information. One good study of what has happened is worth a dozen inadequate studies of what might occur," said Mr Giesbrecht.

"Get in on the ground floor, get the baseline information, and follow the development right through."

Gauging the future



Hickey Doyle



January 16, 1982

Alaska State Legislature
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Dear Committee Members:

As a concerned parent and citizen, I would like to request that you give every consideration for passing stricter drug laws for our state. I especially request passage of House Bill 180. Thank you.

Sincerely,
Mrs. Lance O'Neill

MSG 82-00001439 PRTY 1 01/15/82 15:31:16 ORIG: LK00 IN= 0021 OUT= 0110
FROM: BONNIE/KETCHIKAN TO: JUNEAU INFORMATION
TARGET: LJH2 SUBJ: FOM PAGE 0001

TO: MEMBERS OF THE HOUSE JUDICIARY COMMITTEE: BARNES, ANDERSON, MEEKINS,
FREEMAN, BUCHHOLT, PHILLIPS, O'CONNELL
FROM: BETTY WILSON, KETCHIKAN FAMILIES ACTION, BOX 8515, KETCHIKAN, 225-5231
MESSAGE READS AS FOLLOWS:
ALASKA MUST UP DATE ITS DRUG LAWS MAKING THEM CONFORM TO THE FEDERAL. SUPPORT
HB 180 IT HAS GOOD SCHEDULING, CONSIDERS PURITY, CONTAINS "ON SCHOOL PROPERTY
"WITH INTENT TO DELIVER" AND TREATS MARIJUANA SERIOUSLY. WE MUST CUT DOWN
DRUG TRAFFICING IN ALASKA. IT IS ENGULFING US. THANK YOU. EOM/BCF

MSG 82-00001250 PRTY 1 01/15/82 09:43:45 ORIG: LK00 IN= 0005 OUT= 0011
FROM: BONNIE/KETCHIKAN TO: JUNEAU INFORMATION
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: HOUSE JUDICIARY COMMITTEE
FROM: JAMES ASHE, BOX 5623, KETCHIKAN, 225-4457
MESSAGE READS AS FOLLOWS:
PLEASE SUPPORT HB 180 TO HELP REDUCE THE DRUG TRAFFIC. I PARTICULARLY
SUPPORT THE ESTABLISHMENT OF SPECIFIC QUANTITIES OF DRUGS RATHER THAN
USE OF DRUGS (SUCH AS PERSONAL OR FOR SALE) AS THE CRITERIA OF CRIMINALITY.
THANK YOU. EOM/BCP

MSG 82-00001251 PRTY 1 01/15/82 09:47:11 ORIG: LK00 IN= 0006 OUT= 001
FROM: BONNIE/KETCHIKAN TO: JUNEAU INFORMATION
TARGET: LJH2 SUBJ: POM PAGE 000

TO: HOUSE JUDICIARY COMMITTEE, REP. FREEMAN, REP. GARDINER AND SEN. ZEIGLER
FROM: HENRY PRENTISS, 612 HILL ROAD, KETCHIKAN, 225-3587
MESSAGE READS AS FOLLOWS:
PLEASE SUPPORT PASSAGE OF HB 180. I BELIEVE THIS BILL IS NOT ALL WE
NEED BUT IT IS A GOOD START IN THE ELIMINATION WITH THE PROBLEM
OF DRUGS. THANK YOU. EDM/BCP

CITY OF KOTZEBUE

P.O. BOX 46
KOTZEBUE, ALASKA 99752

KOTZEBUE POLICE DEPARTMENT
907-442-3351

September 22, 1981

Representative Ramona L. Barnes, Chairman
House Judiciary Committee
P.O. Box 3382
Anchorage, Alaska 99510

Dear Representative Barnes:

I regret I cannot attend personally but would like to present my written comments to the House Judiciary Committee.

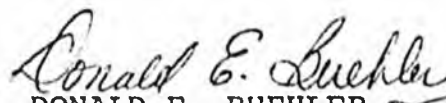
☆

I would like to lend my support to all but one of the proposals. I would especially give my highest recommendation to the Governors Drug Bill, House Bill #180, It is badly needed.

My one reservation is in regard to House Bill # 572 on Domestic Violence.

Most often the Police Officer answering domestic dispute calls is acting as an arbitrator and/or mediator. Injecting the Officer further into the dispute by requiring the Officer to assist one party or the other will remove their "impartial" stature and make their job harder in the future as the Officer will be viewed as an adversary by the other party involved.

The Court must be presented the documents before service and I feel the court is the proper place for assistance to be rendered the party seeking injunctive relief.


DONALD E. BUEHLER
Chief of Police

cc: AS Revisions file
Sgt Jones
Sgt Wallace

DEB/dew

"GATEWAY TO NORTHWEST ALASKA"

CLASSIFICATION SCHEME AND PENALTIES
PROPOSED 1981 DRUG LEGISLATION

Crime	IA	IIA	IIIA	IVA	VA	VIA (Marijuana)
Delivery to Minors	Unclassified 5-99 yrs./ \$75,000	A felony	A felony	B felony	B felony	B felony
Delivery, Manufacture or Possession with Intent to Manufacture or Deliver	A felony	B felony	B felony	C felony	C felony	C felony
Possession on School Grounds	B felony	B felony	C felony	C felony	C felony	C felony
Possession	C felony	C felony	A misdemeanor unless possession is 25 or more tablets or 3 grams or more than C felony	A misdemeanor unless possession is 25 or more tablets or 3 grams or more than C felony	A misdemeanor unless possession is 50 or more tablets or 6 grams or more than C felony	C felony - 1 lb. or more A misdemeanor - 1/2 lb. or more B misdemeanor - 4 ozs. or more - Used or displayed in public - Possession while operating a vehicle - Possession by Minor - Possession of 1 oz in Public Violation - Possession of less than 1 oz in Public

SENTENCES

A Felony - 0-20/\$50,000 10 year presumptive for second 15 year for third	C felony - 0-5/\$50,000 2 year presumptive for second 3 year presumptive for third
B felony - 0-10/\$50,000 4 year presumptive for second 6 year presumptive for third	A Misdemeanor - 0-1/\$5,000 B misdemeanor - 0-90/days/ \$1000 Violation - \$300

SCHEDULING EXAMPLES

Schedule I - Opium, opiates, heroin, methadone
 Schedule II - LSD, mescaline, cocaine, PCP, amphetamines, methaqualone
 Schedule III - barbiturates, hashish
 Schedule IV - valium
 Schedule V - small amounts of codeine and opium in mixtures having medicinal qualities
 Schedule VI - marijuana

MSG 82-00000929 PRTY 1 01/14/82 10:01:36 ORIG: LA00 IN= 0003 OUT= 0025
FROM: CAROL ANCH. TO: JUNEAU INFO
TARGET: LJH2 SUBJ: P.O.M. PAGE 0002

TO: ALL LEGISLATORS

FROM: DONALD PAYES
SR BOX 5424
EAGLE RIVER 99577 (H) 694-9371

QUIT BEING SO WISHY-WASHY. REWRITE THE NARCOTIC LAWS. ELIMINATE ALL
THE LOOPHOLES. THE LAW SHOULD READ: IT SHALL BE AGAINST THE LAW...

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

DIVISION OF ADMINISTRATIVE SERVICES

POUCH N - JUNEAU 99811

January 8, 1982

465-4338

Bill Cook
Legislative Counsel
House Judiciary Committee
Pouch V
Juneau, Alaska 99811

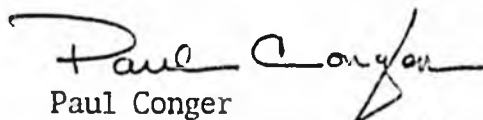
Dear Mr. Cook:

Re: Fiscal Notes - HB 180, HB 473, HB 573, HB 577

Per your request for fiscal notes on the above-referenced Bills, this is to notify you that HB 473, HB 573, HB 577, if enacted, would have no fiscal impact on the Department of Public Safety.

In regard to HB 180, I have requested that a fiscal note be prepared on this bill and upon receipt of this information, I will forward it to your office immediately.

Sincerely,



Paul Conger
Legislative Liaison Aide

by Maureen Blewett
Times Writer

While Alaskans spent \$50 million or more on cocaine last year, the state of Alaska spent \$2 million or more investigating and prosecuting cocaine offenders.

A local defense attorney thinks the actual cost of prosecution is higher — "an unbelievable, literally incredible, amount" and says it should have been spent for "real crimes" — such as rape and murder.

"It's only a plant, for God's sake," says attorney Robert Wagstaff. "People using cocaine in the privacy of their own homes are harming no one."

Not so, counter prosecutors and the police. The true cost of cocaine is not in dollars — it is in the higher cost of human lives lost, property stolen, people assaulted, women raped. Alaskans would be shocked if they knew the incredible price of cocaine-related crime.

They cite statistics:

— Cocaine alone has been a direct cause of more than 20 murders committed in Southcentral Alaska since 1976, state troopers say.

— Thirty percent or more of the burglaries and robberies in Anchorage are tied to cocaine, District Attorney Larry Weeks says.

— "At least half a dozen" Anchorage women were raped this year after being invited into a man's car to sniff cocaine, Weeks said.

Uncounted on these lists, state officials say, are the costs of credit card fraud, stolen checks, assaults, .

"People who say cocaine is not addictive don't know what they are talking about," a cocaine abuser sentenced to a five-year jail term for assault told Marion Kowalke of the Municipality's Treatment Alternatives to Street Crime.

"I've been a heroin addict, and I never waved a gun in anyone's face for heroin." But two years ago he committed armed robbery to get money to buy cocaine and lost a lucrative business, his home, his furniture. Today he is in a federal prison.

Says Assistant District Attorney prosecutor Rhonda F. Butterfield, "Cocaine is not a harmless drug. It destroys lives." Adds Weeks, "Society has got to understand what it is putting up with."

"What are they talking about?" replies Wagstaff. "You can't lock people up in jail just because you think they are wasting their lives."

Into this debate steps Dr. John Grabowski, cocaine expert at the National Institute of Drug Abuse.

Cocaine users, in the upper strata of the business community, usually don't resort to violent crimes, says Grabowski.

"These people don't engage in murder. They engage in take-overs and forcing people into bankruptcy."

Murder among drug dealers is a totally different matter, he said. People who cannot enlist police help for injustices against them, take matters into their own hands.

Meanwhile, as lawyers and physicians debate over costs and crime, the statewide Metro drug unit last year spent more than three-quarter of a million dollars — \$800,000 — to arrest 127 people on drug sale offenses. All but a fraction were for cocaine offenses. Of the \$1.2 million in confiscated drugs, \$1.1 million was for 7,196 grams (16 pounds) of confiscated cocaine.

This year's Metro budget is \$1.3 million.

Some 38 people were convicted for cocaine-related offenses in Anchorage, Fairbanks and Juneau, with sentences ranging from probation to more than two years in prison. Those arrested with one and two pounds of cocaine were prosecuted in federal court in Anchorage. Their sentences were higher — dealer, Jim Wharer, arrested in November, 1980, with more than pound in his possession was sentenced to five years in prison.

It costs a lot of money to prosecute the rich man's drug in a society which condones it as "similar to a fine after-dinner liqueur."

Says metro agent R. W. Jones, "Even picking a jury to try a cocaine case is time-consuming and expensive because one-third of the prospective jurors have used it."

Investigation takes between six and 12 months and cocaine trials usually last between three and five days. At \$1,896 a day for a Superior Court courtroom, a three-day trial alone costs about \$5,608. This figure does not include salaries of the district attorney, the public defender if one is needed, prison costs and the cost of state and municipal drug treatment programs.

"The whole thing has an unreal flavor," Wagstaff says. "This idea of spending so much effort and time to arrest people using plants in their house. If cocaine users are committing crimes, destroying lives and property, they should be arrested and charged for that."

"Look at the people you know who use cocaine," he said. "Ask yourself. Should they be in prison?"

Mixed in to this debate is the question of whether cocaine users become violent. Rarely, say medical researchers. Current studies show that alcohol abusers become violent far more frequently than cocaine abusers.

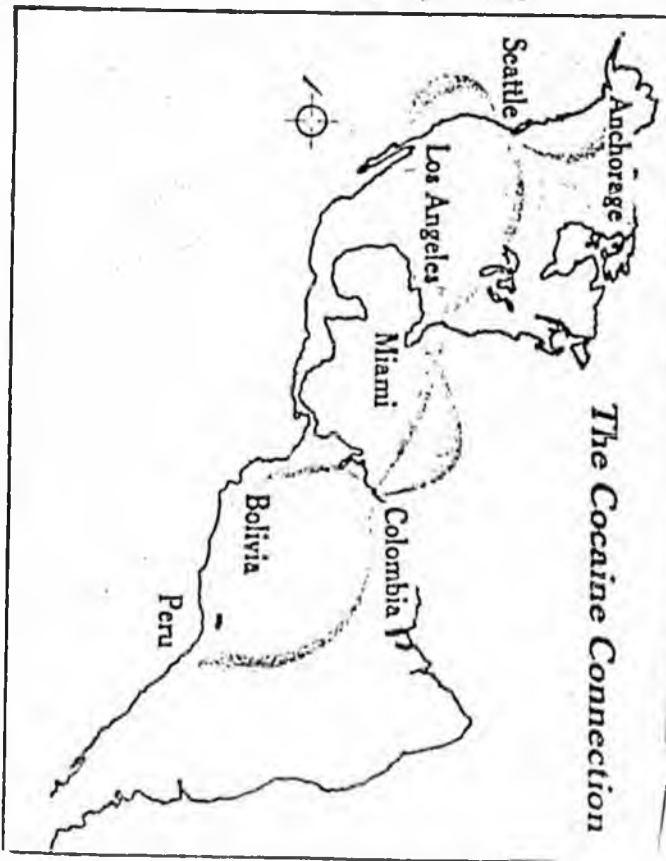
The Alaska Supreme Court, in a 1976 opinion, found that "aside from the criminality itself, the violation of state law... there is no relief..."

of an irrational law in a society which really doesn't see cocaine use as a crime."

These people aren't criminals, the defense attorney said. They aren't sociopaths, they are just ordinary people. Suddenly they have a felony conviction, they have lost their civil rights and they could go to jail.

"For what? For doing something that until the turn of the century, wasn't even a crime."

"It's irrational. It's also wrong."



The Cocaine Connection

Cocaine

(Continued from page A-1)

"It isn't the one one-or-two-line a day snorters who come into our offices. It isn't the Peruvian Indian chewing coca leaves. It is the snorter who suddenly switches to free-base (smoking) who says, 'What happened? I can't stop.'"

What happens is this: the euphoria of the drug wears off and the "coked out" user believes the only way to cure the resulting fatigue and lethargy is with more cocaine. Unwittingly, never self-identifying as an addict, Smith says, the user is compelled to take more.

The letdown is physical, says Andrew Weil, M.D. in a 1980 book, "The Marriage of the Sun and the Moon." Cocaine does not miraculously bestow energy on the body — it merely releases energy already stored chemically in the nervous system. The letdown occurs because the user becomes tired.

Cocaine does not create a physical dependency, with the withdrawal symptoms which accompany other drugs, say Smith, Weil and other researchers. It is easier to break the cocaine habit — physically — than it is to stop using nicotine, or even caffeine.

But it is exceedingly difficult to fight the psychological compulsion. Cocaine is the most reinforcing of all drugs — including heroin, Dr. Robert C. Petersen of the division of cocaine research for the National Institute of Drug Abuse told the House Select Committee on Narcotics Abuse and Control.

"It was just like dieting," said an Anchorage mother who at one time spent between \$700 and \$800 a day on cocaine — a drug first introduced to her through a doctor's prescription.

"I would say, 'Tomorrow I'm going to stop. I'm going to quit.' But I didn't."

Injecting and free-basing cocaine (using heat to break cocaine down to a pure form for smoking) are extremely dangerous because it is impossible to take small doses, Smith says.

Dr. John Grebowski, a psychopharmacologist at the National Institute of Drug Abuse, agrees. "I don't usually go around saying things are dangerous. But smoking (free-basing) cocaine is dangerous thing to do."

The least dangerous way to take cocaine is inhaling it, Smith said. People who become dependent on the drug by snorting it "have to work at it." It is high doses, taken close together, which create a psychological dependency and hook a user.

High-dose users rapidly develop tolerance, says Weil, a research associate at the Harvard Botanical Museum who testified before an Alaska court in 1978 that cocaine causes fewer problems than either alcohol or tobacco. The second dose gives a less intense effect and lasts a shorter time.

Users take more cocaine, trying to regain the "sweet, original rush" described by one Anchorage user.

A University of Virginia study showed that animals, given the opportunity, would self-inject cocaine, ignoring food and other needs, until they approached death, Petersen said. Social researchers have documented that cocaine dealers, with a smorgasbord of drugs to choose from, use up their supply of cocaine first, he said.

"I sold my furniture, my house, everything I owned just to get more coke . . . you don't care about anything but copping more," an Anchorage user said.

But there is a limit. Pure cocaine, like pure doses of other drugs, is poison.

"But even arsenic — a poison — is harmless in traces," says Petersen. "Aspirin and alcohol are harmless in small doses. But take a bottle of aspirin and it will kill you."

"The difference is that there isn't a compulsion to take aspirin."

In U.S. metropolitan cities in 1980, 60 people died of cocaine poisoning, according to National Institute of Drug Abuse statistics. Another 205 died of a combination of drugs, including cocaine.

Most cocaine deaths come from injection or free-basing, and Florida officials have reported finding the needle still in the deceased's arm. However, people have also died from snorting cocaine, many of them instantaneously and without warning, said Petersen.

There are other, less common, ways to take a fatal overdose of cocaine. One Anchorage woman died last year from a cocaine enema. And dealers have died transporting the drug — they swallowed condoms filled with cocaine which burst in their stomachs.

There is apparently no way to

predict who will become dependent on cocaine. A previous history of depression or alcohol and drug dependency may be an indicator, Smith says. But many patients at Smith's clinic had no warning they would become addicted to cocaine.

Among signs of excessive use: insomnia, headaches, pallor, cold, nosebleeds and a feeling of heaviness throughout the limbs. There can be visual and auditory hallucinations and the feeling that insects or snakes are crawling over or just under the skin.

The overdosed user often becomes paranoid, and sometimes antisocial and dangerous, with an exaggerated sense of personal power. Judgment can be impaired. Small objects — clock mechanisms, rocks, shells — can become so important that over-users carry them around in a bag, from whence grew the slang meaning of "bag" during the 60's and 70's.

A fatal dose of cocaine causes convulsions, fainting and a stop in respiration. Smith refused to cite an exact fatal dosage saying it varies with an individual's tolerance to the drug.



DAVID E. SMITH, M.D.
Small quantities ho

Cocaine users may be lured into psychological dependency

This is the last of a four-part series on cocaine in Alaska.

by Maureen Blewett
Times Writer

Snuffed through the nose, cocaine increases the pulse and respiratory rates, raises the body temperature and dramatically raises the blood pressure. It constricts blood vessels and dilates the pupils.

Psychologically, it creates a sense of euphoria, excitement, energy and optimism. The immediate effects last about one hour and are sometimes followed by a letdown.

The cocaine blues.

"There is only one thing that can lift me when I'm crashing on cocaine," an Anchorage man said. "And that's a hell of a lot more."

Cocaine is a drug millions of occasional users believe has little or no harmful or lasting effects. Medical experts say research to date supports their belief — to some extent. But, they say, the popular white powder has a dark side.

Like alcohol, aspirin and caffeine, cocaine is harmless when taken in small quantities, says author and expert David E. Smith, M.D. of the Haight Ashbury Free Clinic in San Francisco. The most serious

COCAINE

Alaska's fashionable snow

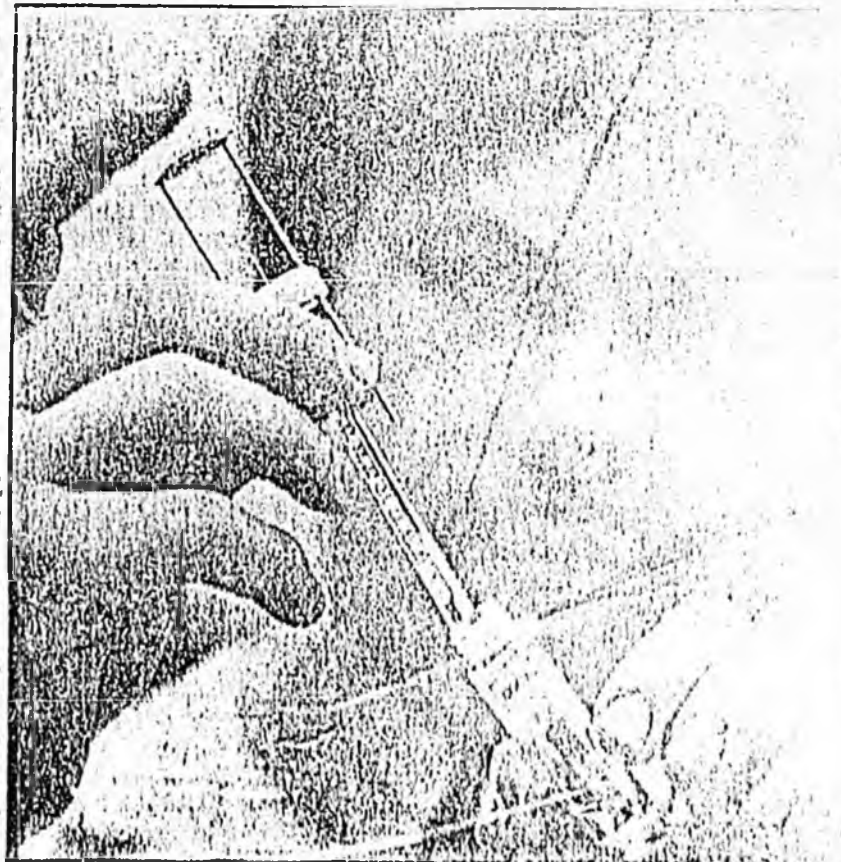
physical complaint of the occasional user seems to be a runny nose.

Users who restrict themselves to only an occasional heady "line" or two may never run into trouble, Smith said during an interview here earlier this month. But they should be aware they are dealing with a high risk drug.

Cocaine may be benign taken moderately, but it is also a seductive, beguiling substance which medical experts say can lure a user unawares into compulsive, psychological dependency.

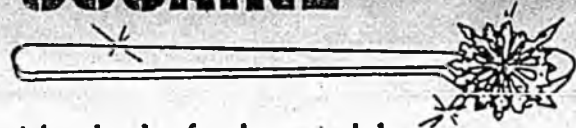
"When people come in for treatment they are very toxic and very surprised," Smith said. "They are compulsive, they're paranoid, they're spending all their money. They are stunned. It wasn't supposed to happen that way."

(See COCAINE, page A-3)

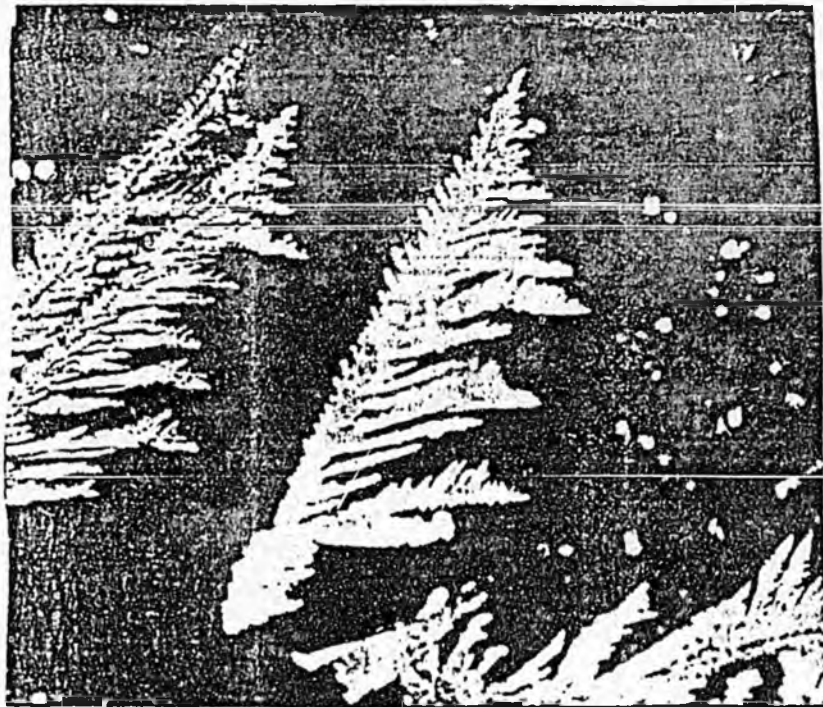


Alaska State Troopers chemist Chris Beheim tests a cocaine liquid

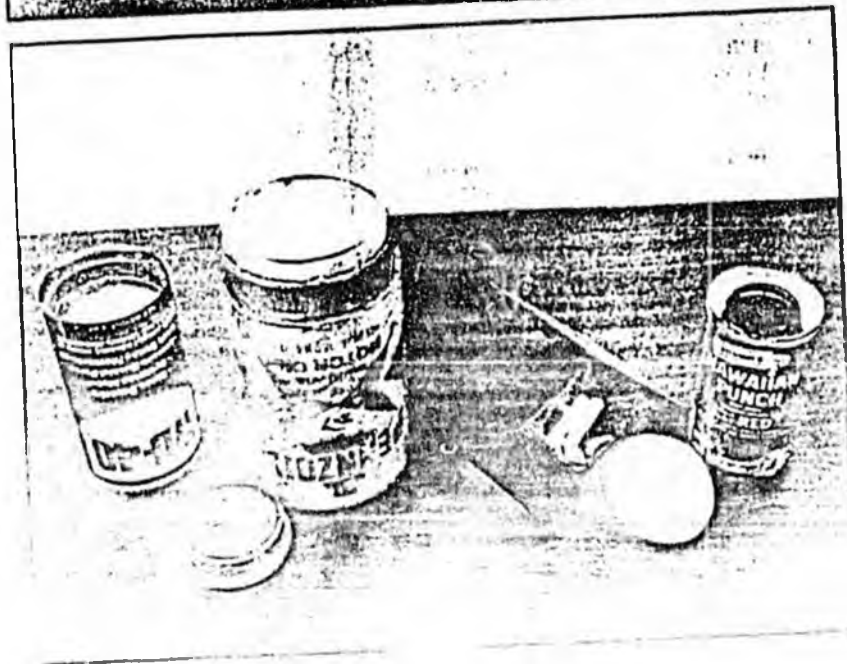
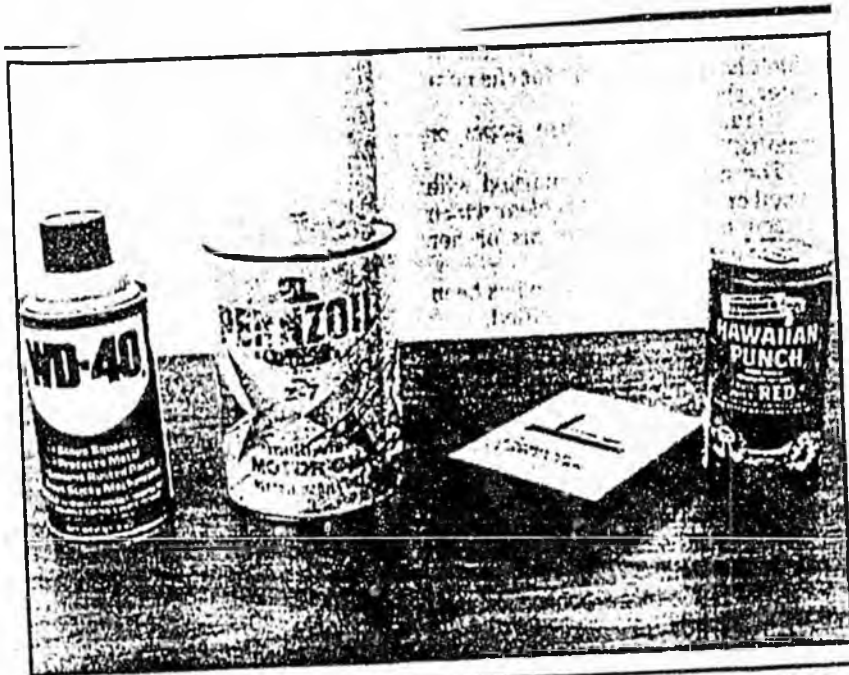
COCAINE



Alaska's fashionable snow



Crystals magnified 100 times show police chemists they have cocaine



is illogical, 'harsh'

by Mau een Blewett
Times Writer

Under state law today, a person convicted of possessing cocaine could go to jail for a minimum of two years.

He probably won't. Sentences handed down for cocaine offenses indicate that Alaska judges, on the whole, agree with an Anchorage Superior Court judge who last week called that law "unrealistically harsh."

"No judge would sentence a person to a mandatory two years when the first-time offense is mere possession," said the Anchorage judge.

Alaska statutes provide for a minimum of two years in prison for either possessing or selling cocaine. The maximum sentence is 10 years in jail. Second-time cocaine offenders face a minimum of 15 years in jail; the maximum sentence is 30 years.

Judges can vary the sentences, however. And they do. Of the 38 people convicted of cocaine use last year:

— Eight possessed less than half a gram (street value of one gram is about \$125). Of these, four were given probation and four were sentenced to less than two months in jail.

— Seventeen possessed from one gram to half an ounce (street value of one half ounce is about \$1,300). Four received probation, four were sentenced to two months or less, five were given sentences up to one year, and one was given a sentence of one to two years. Three were given sentences over two years.

— Twelve possessed one-half ounce or more (street value of one ounce is \$2,600). Of these, two were placed on probation, four were sentenced to for up to six months, two were given sentences of six months to one year, two were given sentences between one and two years and two were sentenced to more than two years.

If the law appears harsh to some, it seems illogical to others.

The sentence for possession or sale of cocaine, for example, is lower than that for marijuana. While the maximum sentence for the cocaine offense is 10 years, the maximum sentence for marijuana possession or sale is 15 years.

Recognizing the discrepancy, the Alaska court system in 1979 studied sentences handed down for drug offenses and set up tentative drug-sentencing guidelines.

These guidelines deal only with sale, attempted sale or possession with intent to sell. They suggest punishment that considers the offender's criminal record to the type and amount of the drug possessed or

ried for the guidelines, 30 percent of the judges gave tougher sentences than those recommended by the guidelines.

But Nick Maroules of the Alaska Judicial Council disagrees. Judges have followed them in 70 percent of the cases, he says. That isn't surprising, he said, because they reflect what the judges have been doing all along.

The proposals go to the Supreme Court this week for ratification.

The question of guidelines versus existing drug laws would be moot if the Legislature next session passes a proposed drug bill, which passed the Senate last session but failed in the House.

The House Judiciary Committee heard testimony on the proposed bill (HB 180) in Anchorage Monday night. It hears more testimony in Palmer tonight and returns to Anchorage for further hearings Wednesday at the Performing Arts Center of the University of Alaska.

Under the proposed bill, drug offenses would be divided into seven degrees of seriousness, with cocaine in the second-most serious class.

The classifications from most to least serious are:

— Heroin and narcotics such as opium and morphine.

— Cocaine, hallucinogenic drugs, quaaludes, barbiturates, PCP, some amphetamines.

— Hashish, some stimulants and some depressants.

— Tranquillizers, depressants, some stimulants and Darvon.

— Narcotics combined with another medicinal ingredients: i.e. cough syrups.

— Marijuana.

The bill divides cocaine offenders into categories. From the most serious to the least serious, they are:

— Delivery (distribution, gift or sale) of cocaine to a minor. The penalty: from zero to 20 years. A second offender would receive a presumed sentence of 10 years, although the judge could lower it to five years or increase it to 20 years.

— Delivery of cocaine, or possession of cocaine with intent to deliver it. The penalty: 0 to 10 years imprisonment. A second offender would receive a presumed sentence of four years although the judge could lower it to zero or increase it to 10.

— Possession of cocaine by an adult (a person 18 years of age or older) on a school ground. Penalty: 0 to 10 years imprisonment. A second offender would receive a presumed term of 4 years, but the judge could decrease it to zero years or raise it to 10.

— Possession by driver. The penalty: zero to 5 years. A second offender would automatically receive 10 years if the driver is

guidelines, the first-time offender who sells up to half an ounce of cocaine can be put on probation or receive a jail sentence of

— Possession by driver. The penalty: zero to 5 years. A second offender would automatically receive 10 years if the driver is

Cocaine laws don't hit rich

This is the third of a four-part series on cocaine in Alaska.

by Maureen Blewett
Times Writer

"It isn't fair," an Anchorage Superior Court judge said in an interview last week, counting on his fingers and naming lawyers he said use cocaine. "The upper middle class, the doctors and the lawyers, don't get arrested for using cocaine." It's the waitress in Homer, the North Slope welder, who do.

Last week, while hundreds of Anchorage adults bought cocaine to inhale discreetly at posh parties and in bathroom stalls of bars, four men were sentenced in Anchorage Superior Court for selling the drug.

Dennis Long, 40, and Stanley Fricke, 36, were sentenced to six months in prison. Floyd Moss, 43, and Wayne Marshall, 37, were given five years probation.

The bottom line is this: cocaine is illegal in Alaska. But not very. And only for the few.

"I have seen a lot of coke in high places in this town," a young Anchorage lawyer said last week. "It's done openly by people you'd never believe, in circles of people so well-known, so public I'd be afraid of getting caught."

Statistically, his chances of that are small.

Only 38 people were convicted of cocaine possession in 1980 in Anchorage, Juneau and Fairbanks, according to a study to be presented to the state Senate (See COCAINE, page A-4)

Rich

(Continued from page A-1), sentencing Guideline Commission this week.

The chances of getting arrested for "tooting" coke in an automobile before walking in to a party, as one court system employee does — and going back out for more when the high wears off — are very small.

The problem, said a lawyer, is that society itself condones cocaine use. And until society wants to do something about cocaine, the criminal justice system simply can't deal with it.

But would that lawyer go to police if a friend or neighbor displayed a gram of cocaine? "No," the lawyer conceded. "I'd call the police if I saw him getting ready to murder someone or hit him over the head or steal a car. But I wouldn't for using cocaine."

It is not an easy question.

"It's tough," a judge said. "Last week I sentenced a waitress to 90 days in jail for selling one slip of cocaine. She didn't have a history of selling drugs, she was doing it to supplement her meager wages as a waitress."

"Hopefully, she will not do it again and the rest of us will profit from her lesson. I have to believe that. I would not like to face St. Peter if I didn't."

Statistics compiled by Dr. Richard Ender of the Urban Observatory at the University of Alaska indicate that 20,000 Anchorage residents (11 percent of the population) used or had tried cocaine in 1979. But the reverse of those figures tells another story: that many more Anchorage residents insist they have never used the drug.

Why not? The law, for some, is a powerful deterrent.

"I don't use cocaine," an Anchorage lawyer said, taking a morning break in his office last week, a cigarette in one hand, a cup of coffee in another. "For one thing, I don't want to risk losing my license. But take away my Scotch..."

There is another powerful reason for not using cocaine. Money.

"It costs like hell," says Dr. Robert C. Peterson who until this year headed cocaine research at the National Institute of Drug Abuse. "Unless I am mistaken, the average journalist couldn't afford to become a cocaine addict. It's that simple."

This drug sells in its pure form for less than \$40 an ounce wholesale in a pharmacy. That same ounce — sometimes outrageously so with additives — nets about \$200 on the street.

Who could afford \$200 an ounce, or \$125 for a gram, for a month's wages?

white derivative of a South American shrub? "I see a lot of people I admire professionally spending \$800 a month on cocaine," a young Anchorage businessman said. "Sometimes they sell their stereos. But they get their cocaine."

Alaska first deemed cocaine illegal during Prohibition, in 1921. With a certain illogic, two years later the Legislature listed cocaine, a stimulant, as a narcotic — a drug which puts you to sleep. Said a physician for the National Institute of Drug Abuse last week, "Cocaine surely doesn't do that."

However, state laws across the nation, as well as international law, list cocaine as a narcotic. That classification endured a 1978 challenge in Alaska in which Superior Court Judge Victor Carlson ruled that the 1921 Legislature had erred. Cocaine is not a narcotic, Carlson said.

The Alaska Supreme Court disagreed, saying the legislators' intent, if not their nomenclature, was clear. Four months ago, in a similar controversy, an Illinois lower-court judge gained national attention when he ruled, as Carlson did, that cocaine is not a narcotic. That decision will be appealed.

Carlson last week brought up the narcotic question, saying his ruling was aimed at terminology, not at easing up on cocaine laws. "I have never thought it should be legal to possess and use cocaine," he said. "Possession of cocaine is a crime."

"It's horrible," said Judge Milton Souter.

"There is good reason for it to be illegal," said Judge Karl Johnston. "Cocaine is associated with other crimes."

"Cocaine can be abused; it can cause harm," said Judge Seaborn J. Buckalew. "It should be controlled."

"The average defendant playing with cocaine is an average kind of guy, different from the defendant who breaks into a house. But he is still a criminal."

There are those who disagree.

They draw a distinction between a criminal and a drug user. Possession of cocaine, they say, is a victimless crime. Not so, says Carlson. "Drug abuse of any kind — including alcohol abuse — is never victimless. Not to the person himself and to the rest of us who lose his productivity."

Said Lt. George Pollitt of the State Troopers Drug Enforcement Unit, pointing to a list of 23 cocaine-related murders in a two year period: "You call that victimless? Look at that list. There are victims, all right."

In the meantime, the party-goer who sniffs cocaine remains relatively safe. "We're just not looking around to see who's snorting it at a party," said Lt. George Pollitt of the state-wide Metro drug unit.

Alaska: haven for smugglers

by Patti Epler
Times Writer

Trying to stop cocaine from filtering into Alaska is like trying to stop the tides in Cook Inlet.

It's virtually impossible.

Although 6,300 miles separate Anchorage from the cocaine-producing countries of South America, innovative dealers and users are finding the "cocaine trail" a profitable road to take.

And drug enforcement agents are finding it increasingly harder to stop the flow.

For one thing, it's easy, ridiculously easy, to smuggle cocaine into Alaska.

Drug enforcement officials here are continually surprised by the creative and clever ways people have devised to conceal anywhere from an ounce to a pound of the white powder. At Anchorage International Airport, where virtually all of the illicit drug passes before it is distributed across Alaska, narcotics agents have collected a number of smuggling devices.

A can of motor oil that looks, feels and sloshes just like a can of oil. It is marred, as if it has been rolling around in the back of a car. But the bottom unscrews. Inside, it is much like a thermos jug — with enough space for a couple of ounces of cocaine.

A blue-and-white can of "WD-40" lubricant, like those found in many garages. The aerosol spray still squirts from the top. Hidden inside is an ounce of cocaine.

(See HAVEN, page A-4)

Haven

(Continued from page A-1)

"We're not talking about people who are so stoned out of their minds they can't see straight," said R.W. Jones, a longtime member of the Anchorage Metropolitan Drug Enforcement Unit. "We're talking about really smart people who are ingenious enough to design things like this."

Women hide pounds of cocaine beneath maternity clothes. Children carry the drug aboard an airplane at their parents' request. Cocaine has even been found stuffed inside frozen sausage. The owner hoped police would think their trained dog, who specializes in sniffing out drugs, was simply reacting to the food.

"They're getting it in and it's usually right under our noses," Jones said.

Narcotics and customs agents like to tell a gruesome story to show just how far smugglers will go in order to make the huge profits associated with the drug trade. A woman was arrested at an airport in the Lower 48 after another passenger reported that the baby the woman had carried in her arms for the entire eight-hour flight never awakened, never cried and never moved. When the customs officer checked to see if the baby was all right, he found a dead baby that had been cut open, stuffed with drugs and sewn together.

The problem, officials say, is that unless police are tipped off that a courier is carrying cocaine, they have no way of knowing it's there.

An ounce of cocaine fits easily into an empty cigarette pack. Stick it in a shirt pocket and no one will look twice.

Even the most sophisticated of X-ray scanners, designed to thwart hijack attempts and terrorism, detect only metal or weapons. A pound of cocaine in a briefcase passes unnoticed.

In some European countries, officials said, passengers are searched for drugs before getting on an airplane. But in America, the strict rights to privacy bar that kind of treatment.

And Alaska has a special problem, officials believe. Alaska, they say, is becoming known for its lib-

eral drug laws and a "slap on the wrist" for first-time drug offenders. So users and dealers alike aren't hesitating to use Anchorage as an entry point for a variety of drugs, not only to Alaska but the rest of the U.S.

Jones said Florida recently tightened its drug laws because of the massive smuggling problem faced in that state. Now, he said, more and more smugglers are going a few hundred miles out of their way to bring cocaine in through other southern coastal states with weaker laws.

Tom Burton, head of the federal Drug Enforcement Administration here, said there is "firm intelligence" that some large-scale smugglers believe Anchorage is an easy point of entry for transporting drugs to major U.S. cities. But that's probably less true of cocaine than other drugs, he said, because there are no direct flights from the major cocaine-producing countries in South America to Alaska. "They wouldn't want to go to Europe and clear customs there then turn around and come through customs here just to bring it in through Anchorage," he said.

However, Burton said, most of the cocaine that is destined for Alaska comes through Anchorage International Airport and is not shipped by mail or driven up the Alaska Highway.

"Anchorage has become a major distribution point," said another narcotics agent. "Not only coming in but going out."

The widespread use derived from the easy accessibility of the drug has created another problem that troubles drug enforcement officials in their efforts to stem the cocaine traffic.

Since it has become socially acceptable to use cocaine, people who might otherwise report a crime are looking the other way.

Said Burton: "Anybody who writes down the license plate number of a bank robber's car is a hero; if you inform on a drug transaction you're a snitch."

"We're hampered most because so many people see it as a victimless crime. And we have criminals dealing with criminals so there's no reason to register a complaint," he added. "So, we lose all of the classical reasons for people to come in and inform us of the crime."

10-26-81

This is the second of a four-part series on cocaine in Alaska. It was written by Patti Epler with assistance from Bob Miller and Dave Carpenter.

The pretty brunette looked up from her drink and smiled.

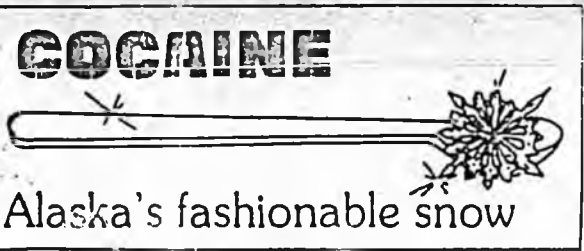
"I try to maintain a good standard," she said. "My clients are used to a good-quality product."

She sounds like any other young business person, building a company with a reputation for integrity and quality.

But the business she's in is illegal. And the reputation is based as much on her discreetness as on her product.

The \$1,500 she tucks away, tax-free, every month comes from the sale of cocaine. It's a lucrative business and one that more and more people are finding profitable.

Cocaine is a highly marketable item these days although its cost is five times the price of gold.



The law of supply and demand is clearly evident: the demand is big, the supply is risky, and the profits are immense.

Federal drug enforcement agents estimate that as much as 45 metric tons (99,000 pounds) of cocaine were shipped into the U.S. last year — a 50 percent increase over 1979.

And by the time those 45 tons were sold last year, cocaine dealers reaped \$30 billion in street sales.

(See COCAINE, page A-3)

Cocaine

(Continued from page A-1)

In Alaska, where officials conservatively estimate that more than \$50 million will be spent on cocaine this year, the business is booming.

Consider this: a dealer buys an ounce, 28 grams of high-quality cocaine, for \$2,800. He takes out four to five grams for personal consumption, then mixes the remainder with enough cutting agent to make at least 40 grams, or about 1½ times the original amount. Each gram sells for about \$125.

The return is \$5,000, more than 90 percent profit.

The pretty brunette is one of hundreds of Alaskans who make anywhere from a few hundred to a few thousand dollars a month peddling the white powder. They don't have to look very far for customers; most come looking for them.

They take the risk of arrest in exchange for the profit and enjoy a constant supply of cocaine for their personal use.

Like many others, she began helping a friend deal cocaine several years ago as a way to obtain the drug for free. She was allowed to keep a few grams for personal use, depending on the amount she sold for her friend.

"I was taking care of it (the business) so much," she said, "that I began selling it to get the profit instead of the stash."

"It was a real good thing," she added. "I had a small clientele made up of people I knew and saw on a regular basis."

Now in her mid-20s, she holds a regular, even well-paying job. Cocaine dealing is done on the side, in spare time and evening hours. Paychecks from her regular job straight in the bank. Money from cocaine sales is used as the operating capital, she said, to buy more cocaine.

She only deals with friends. It's one way, she says, to cut down on the chance of getting caught.

She treats her clients well, always gives them good quality cocaine, makes house calls, extends credit where needed and takes checks.

"It's a Catch 22 kind of thing, though," she said. "When I first started selling I wasn't doing that much coke. Now, the more I have around, the more I use myself."

She makes frequent trips Outside, combining business with pleasure. She generally brings back from one to three ounces of cocaine after visiting with her friends and family.

But she's a small-time dealer compared to a handful of Alaskans who buy by the pound instead of the ounce. It frequently gets them into trouble — and not only with the law.

Three weeks ago, two Anchorage residents, Ron and Darcelle Cole, were found murdered in their Hillside home. Police said the killings apparently were the result of a drug deal gone sour.

The Coles, by all accounts, were large scale cocaine dealers. Alaska State Trooper investigators found an account book in the house which indicated Cole had purchased nearly 11 pounds of cocaine — about \$300,000 worth — in a single month before his

death.

Tom Burton, head of the federal Drug Enforcement Administration in Alaska, speculates that there are perhaps as many as eight or nine people in Alaska who, like the Coles, deal in pounds. He calls them "significant dealers," people with the resources and contacts to obtain two or three pounds of cocaine at a time.

He's talking about big money. One pound of cocaine costs about \$35,000 Outside.

Each large-scale dealer, Burton estimates, may import two or three pounds every two months. Together, those dealers supply Alaskans, most of them other dealers, with more than 100 pounds of cocaine in a one-

And also add in all the people who don't sell cocaine but bring back small amounts for themselves and their friends for personal use.

Burton, like other law enforcement officials, has no estimate as to how many smaller dealers there are. However, he said, the majority of arrests made by state and federal enforcement agents are not the big dealers like the Coles but "the people who go out and get their own coke, an ounce at a time."

It adds up to a lot of cocaine. And a lot of money.

Take John, for example. He's a high school senior who doesn't have to rely on an allowance from his parents for spending money.

John says he believes he is the biggest cocaine dealer in the Anchorage School District and says he sells an ounce of the drug every two weeks. He re-invests the money in more cocaine and quickly spends whatever pocket money remains.

He said he worries about being caught, but takes pains to be careful.

"I was pulled into the office (at school) and discreetly told they're just waiting to catch me. But they won't. I don't deal in school, and it's too hard for them to catch you (with a small quantity for personal use)."

"Of course I worry about (the police). I wouldn't see daylight for years, if they caught me. I'm trying to ease my way out of it, but I'm at the point now where I can't leave all at once" John said.

"I wish I'd never started selling. I'd rather just pay for it . . . but sometimes it's nice," he said.

Another man who deals grams and quarter-ounces on a regular basis said he takes in about \$2,000 per month in profits. That money also is turned into more cocaine — and more money in profits from sales.

Joe Shot, a local drug treatment counselor who has worked for 18 years in programs from Honolulu to Philadelphia, calls cocaine "a profoundly devastating drug."

He recounts the story of a man he knows who came to Alaska, virtually penniless, at the age of 10. The man worked hard and became a millionaire in a successful business deal involving cocaine.

the numerous dealer
woman, who don
reputations of the man

the numerous dealer
woman, who don
reputations of the man

(1) This bill should be identified as the great gray bill due in part to the enormous tasks placed on enforcement agencies to establish amassed evidence to support conviction i.e.

(a) ^(a) (1) at least 3 years younger

* delivery should be sufficient to support arrest and conviction.

(b) (2) 5 or more violations

* one or more

(b) (2) (A) concert with at least 5 other persons

* one or more

(b) (2) (B) change and between (A) & (B) to or

Comment

What is exemplified above, runs throughout this bill. This piece of questionable legislation appears to provide the vehicle for drug control, but close examination reveals that the ones who will benefit are the very ones that benefit under existing law.

While this bill has clarified some areas of the existing law in classification and sentencing, it still remains difficult to enforce by language and future court interpretation.

Don Patterson
Gen Delivery Willow at 99688

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Beverly Lang, A.A.
House Judiciary Committee

Dear Ms. Lang;

Mr. Don Patterson left the enclosed testimony at the Mat-Su Legislative Information Office to be submitted to your committee at the public hearing held in Palmer. He had planned to attend and was unable to do so.

ALCOHOL & DRUG ABUSE PROGRAM ASSOCIATION OF ALASKA

P.O. BOX 4-1338 ANCHORAGE, ALASKA 99509

October 22, 1981

Dear Colleague:

At our statewide teleconference meeting held on August 25, 1981, the Board and general membership of the Alcohol & Drug Abuse Program Association of Alaska unanimously adopted a resolution urging the Legislature to hold extensive public hearings on the proposed drug legislation (SB190, HB180). The purpose of this letter and attachments is to acquaint you with other proposed legislation (HB620) and to provide you further information to enhance our meaningful input on this complex issue.

In an effort to identify the key issues in the various proposed revisions of the Uniform Controlled Substances Act, a list of questions was developed. This analytic effort suggests that we, as responsible members of the substance abuse field need to be aware of both the complexities of the issues as well as the possible ramifications on our clients and agencies. (Please see Attachment I.)

We understand that SOADA is distributing to all grantees copies of the various bills and some further comparative analysis (which we requested from them at our meeting August 25).

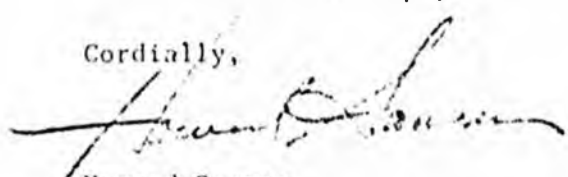
Several professionals in the health field and I have done a preliminary analysis of the various problems and would like to share our thinking with the Association. This analysis is outlined in Attachment II.

The House Judiciary Committee is holding public meetings as well as a teleconference in the near future. Schedule and sites are in Attachment III. Notification of these hearings in the substance abuse field was virtually non-existent since this legislation is viewed by some as a "criminal justice issue." Our thoughtful presence and input in these hearings and at the call-in sites is vital. A variety of further actions can be taken between now and the next legislative session.

Another ADAPAA statewide telecommunications meeting is scheduled to occur prior to the end of November--date and sites to be detailed in a later mailing.

Hopefully, we all recognize the serious consequences of the proposed legislation (HB180) as it is currently written. We agreed that it is our responsibility to become informed and involved in this issue. We hope the attached information will help you.

Cordially,



Howard Scaman

PROPOSED REVISIONS IN THE UNIFORM CONTROLLED SUBSTANCES ACT

QUESTIONS

- Which of the two laws to be considered in 1982 - HB180 and HB620 - more effectively focuses harsh penalties on dealers instead of users?
- What public safety problems would drug legislation reduce?
 - Crime? Related to sale or use? Related to which drugs (addictive or non-addictive?)
 - Assaults? Related to which drugs?
 - Family violence? Related to which drugs?
 - Death illness, accidents? Related to which drugs?
- What is the evidence about drugs and property crime? What is the evidence about drugs and violent crime? Are you aware of any testimony to the House Task Force on violent crime regarding drugs which did not appear in their report.
- Which provisions in each bill do not seem to address a significant public safety problem?
- Can you identify provisions in either bill which would address enforcement issues?
- What factors explain the report that adult arrests for possession are down 8% from 1979 to 1980, arrests for sale are down 44% from 1979 to 1980, under existing laws (as reported in: Crime in Alaska - 1980)?
- Under each bill, what would happen to newly arrested offenders? How many more would be convicted? How many more would be jailed? How many drug problem offenders would be referred to treatment? For what drug problems? Who would be in charge of unsupervised probationers?
- At \$130,000 cost to build a new jail cell, our growth in incarceration rate - one of the highest five states in the U. S., and jails currently at 130% capacity, which bill represents the best policy for protecting the public? Who in our society should be jailed?
- What in each bill would threaten or protect individual privacy and other liberties?
- What in each bill would threaten, or protect citizens from selective application and/or biases? Against youth? Against Native Alaskans as described in several recent studies of discrimination in minority sentencing?
- What is "intent to deliver?" How is it defined? Who defines it? What does it mean for constitutional rights?
- How do the bills differ on "burden of proof?" What does it mean for constitutional rights?
- What health concerns are addressed in each bill? What provisions address them?
- What are the actual costs to the state likely to be? To law enforcement? To the correctional system? To the judicial system? To health and social services agencies? Where in each bill are these costs provided for?

PROBLEMS WITH HB-180

1. Does not focus on dealers. In fact, HB 180 actually reduces some penalties for selling/distributing drugs. Penalties for simple possession are added for marijuana and increased in most other categories. The most significant changes from existing law are for increased penalties for lower schedule drugs, and for possession.

HB 620 seems to focus harsher penalties more effectively on dealers.

2. HB 180 is being handled as a criminal justice-not a health issue. We are aware of a considerable body of evidence, both statistical and reported, that abuse of alcohol (an addictive substance) constitutes a far greater public safety, health, and social problem for both Alaska's adults and youth than does marijuana (a non-addictive substance).

HB 620 much more closely approximates a policy which reflects this large body of evidence. But HB 620 also has problems which we believe could be corrected by amendments:

- ° Some reconciliation could be made between inconsistent provisions for "possession on school grounds" and the fact that the penalty for selling liquor to a minor (much less possessing liquor on school grounds), is a misdemeanor punishable by a small fine.

3. Again, the largest body of evidence indicates that most drug-related crime, violence, disabilities, and death results from abuse of alcohol. The House Task Force on Violent Crime Report mentioned no drugs other than alcohol (that we could find in our review of the document). Given mandatory minimum sentences under the new Criminal Code (effective January 1, 1980), the high and accelerating incarceration rate in Alaska and the cost of the criminal justice system, we are concerned that HB 180 will add to the criminal justice burden with offenders who pose no demonstrable public safety problem.

HB 620, as previously noted more consistently focuses deterrent level penalties on dealers and addictive drugs. It could be amended:

- ° To provide for screening and treatment of drug offenders.

4. We are aware of a marked decrease in Alaska's arrest rate for drug offenses in the last few years. The decrease has been greater for sale arrests than for possession arrests. Selling, and possession by a minor (including marijuana) is currently illegal. On what basis is it concluded that stiffer laws and penalties are needed given that the existing one's have not been enforced? Or are the number of drug offenders actually decreasing? (The Ravin decision affected only marijuana possession by adults.)

Neither bill addresses enforcement cost, capability, or policy very adequately. HB 620 however, does appear to be a more reasonable law to enforce.

5. We are aware of little evidence of benefit to youth from state policies which take a punitive criminal justice approach to possession or use of alcohol and drugs. We are aware of several other approaches that have been taken by schools and communities to control availability which do not make criminals of young people.

We are concerned that HB 180's punitive approach, and potentially police in schools and on school grounds, will further alienate youth from their families, their schools, and their communities. Honesty, trust, and reasonableness are the basis for successful work with youth by health and social service agencies, families, and schools.

HB 620 presents a more honest, and reasonable approach to the issue of simple possession versus sale.

6. HB 180's provisions for "intent to deliver" seem poorly defined. We are concerned that this provision builds in too much opportunity for selective and discriminatory application of the law. Discriminatory sentencing for minority offenders has already been identified as a problem in Alaska's criminal justice system.

HB 620 has no provision for "intent to deliver".

7. HB 180 has two provisions which effect "burden of proof" being placed on the defendant in a drug charge. As we understand it, this conflicts with the intent in all criminal law that the burden of proof is on the prosecution.

HB 620 relocates burden of proof to the prosecution in these two cases.

8. We are concerned about many other issues raised by the proposed legislation. To mention a few more:
 - ° HB 180 appears to have an unreasonably harsh penalty structure for juveniles.
 - ° HB 620 appears to reflect the medical knowledge of health consequences of various drugs better than HB 180.
 - ° Both bills provide for the Scheduling Committee to have functions which seem to duplicate the Governor's Advisory Board on Drug Abuse, ie., grant review, budget allocations, and program evaluation.
 - ° It seems likely that a large burden of unsupervised probationers resulting from HB 180 especially, may fall into our treatment programs without adequate resources to handle them.

HOUSE JUDICIARY COMMITTEE
HEARINGS

HB 180

Anchorage

Monday October 26	10:30 AM	University of Alaska Amphitheater
	7:30 PM	Legislative Information Office
Wednesday October 28	1:00 PM	Legislative Information Office Teleconference Hearing <u>Sites:</u> Kodiak, Soldotna, Dillingham Bethel, and Homer.

Palmer

Tuesday October 27	5:00 PM	Borough Assembly Room
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Sitka

Thursday October 29	7:30 PM	Centennial Building-Public Hearing
Friday October 30	1:00 PM	Legislative Information Office Teleconference Hearing <u>Sites:</u> Petersburg, Haines, Ketchikan, and Wrangell.

ANNUAL DRUG REPORT 1980



DEPARTMENT OF PUBLIC SAFETY
ALASKA STATE TROOPERS
CRIMINAL INVESTIGATION BUREAU

1980 ANNUAL DRUG REPORT
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INTRODUCTION

DRUG ENFORCEMENT IN ALASKA

Drug Enforcement in Alaska involves numerous Law Enforcement Agencies at the local, state and federal levels of government.

There are a total of 26 local Law Enforcement Agencies throughout the State listed in the 1980-81 Law Enforcement Directory that independently or in cooperation with other agencies enforce drug laws.

At the State level, the Alaska State Troopers enforce drug laws through their Detachments and posts in the State. In addition, there are four specialized Drug Enforcement Units, funded by special appropriation of the legislature beginning in 1973 in an attempt to address the problem of illicit drugs in Alaska. These units are the Anchorage Metro Unit, comprised of four local officers and two Troopers and a scent detection dog; the Fairbanks Metro Unit, comprised of two Troopers and two local officers; the Anchorage Airport Detail comprised of two Trooper Investigators, one Anchorage Police Department Officer and Dog and the Kenai Narcotics Team, comprised of a Trooper Investigator whose primary function is to assist the seven local police agencies in the Southcentral area of the State. In addition, a Statewide Drug Enforcement Coordinator is located in the Criminal Investigation Bureau at Trooper Headquarters in Anchorage to provide funds, undercover agents and coordinate drug enforcement between all units in the State.

An increase has been requested in the 1982 budget to expand the capabilities of these specialized Drug Enforcement units.

At the federal level, the Drug Enforcement Agency handles the majority of drug cases, but other agencies become involved in drug enforcement also, including the Coast Guard, the Military agencies in Alaska and U.S. Customs.

A high degree of interagency cooperation exists between the Troopers, the local Police Departments and the federal enforcement agencies.

SUMMARY OF DRUG ENFORCEMENT DURING 1980

During 1980, the Alaska State Troopers continued their program of working cooperatively with local law enforcement agencies towards suppressing the flow of illegal drugs into Alaska, specifically by identifying and apprehending those persons responsible for the importation of drugs into Alaska and their sale to the citizens of Alaska.

In past years, the Alaska State Trooper efforts have primarily been to provide manpower and narcotic enforcement funds to the urban areas of Fairbanks and Anchorage to support drug enforcement teams in those two cities. An additional effort was made to provide professional narcotics investigators and undercover agents to periodically go into the small towns around the State and assist local Police Departments to develop cases against drug dealers.

During 1980, two additional programs were begun which aided in the apprehension of illegal drug importers and dealers. The first was the development of the Airport Detail supervised by State Troopers at the Anchorage International Airport. In this program, there are two State Trooper Investigators, an Anchorage Police Officer with a drug detection dog and periodically a Federal Drug Enforcement Agent. This unit works towards the interdiction of illegal narcotics and drugs at the airport since the Anchorage International Airport is believed to be the primary entry point of drugs into Alaska.

A review of the seizure of illegal drugs by the Airport Detail during 1980 indicates this program is slowing the importation of drugs into the state. The Anchorage Police Department Investigator who uses the drug detection dog says in his 1980 report: "Since the utilization of the scent detection canine named KAI at the Anchorage International Airport between August 13, 1979 and December 10, 1980, a total of \$187,775.00 in illegal drugs and narcotics were seized as a direct result of the scent detection canine". A total of 136 searches have been made utilizing the dog. Of these, a total of 18 Search Warrants were obtained and executed and 27 cases have been made. It should be noted that the Anchorage Investigator and the dog were at the Airport only part of the time during 1980 since other cases and drug detection efforts throughout the Anchorage area required the use of the dog.

A second program which came to maturity during 1980 was the Southcentral Area Narcotics Team (SCAN) on the Kenai Peninsula, headquartered at Soldotna. This team is comprised of a State Trooper Narcotics Investigator who has an office in the Soldotna Police Department and who coordinates the Drug Enforcement Activities with seven Police Departments on the Peninsula plus in Kodiak, Cordova and Valdez. During 1980, the SCAN Team was involved in 48 cases throughout its area of jurisdiction. A sample of their activities during 1980 may be gained from the 1980 report by the Trooper/Investigator. "In July, the Team targeted an area resident. As a result of a two-month investigation, contact was made with two of his associates who live in Anchorage. Ultimately one pound, three ounces of 68% cocaine was seized, sending three individuals to jail. This cocaine seized had a very low percentage of adulterants indicating that we were very close to the supply which is likely from South America." The investigation was a joint effort between Federal Drug Enforcement Administration, Anchorage Metro and the SCAN Team.

Another investigation was initiated in Valdez. Multiple ounce purchases of cocaine were made by an undercover informant and subsequently several arrests were made. The result of this investigation was the seizure of one pound, three ounces of 50% cocaine.

These two programs initiated by the Troopers in 1980 were in addition to strong efforts made by the Anchorage and Fairbanks Metropolitan Drug Enforcement Teams to suppress drugs in their areas. To quote from the Fairbanks Metropolitan Drug Team 1980 Report, "they worked 140 criminal cases, resulting in the conviction of 42 individuals, serving a total of 71 state search warrants and four (4) federal search warrants. Of the 140 criminal cases worked by the Fairbanks Team, 82 of them centered around cocaine investigations. The Team has seized 1,400 grams of cocaine, equal to approximately 48.98 ounces in 1980." A significant comment by the head of the Fairbanks Metro Drug Team was that of the 48.98 ounces seized, they averaged 38.6% pure cocaine as compared to approximately 31.18% last year. This increase in the percentages of cocaine to adulterants is indicative of the increase in the availability of cocaine in the Fairbanks area. The street value of Cocaine seized by the Fairbanks Metro Unit for the calendar year 1980 is approximately \$209,900.00 at a street value estimated at \$125.00 per gram, at 30% cocaine.

An indicator of what the State of Alaska may face in possible future organized criminal importation of narcotics and other vice-related activities is contained in a section of the Fairbanks Metro Drug Team Report for 1980. The arrest and conviction of a female adult from Washington for Distribution of Cocaine was the culmination of an investigation which originated in the State of Washington. During this investigation, the Fairbanks Narcotics Team was contacted by undercover officers who were members of the Washington State Patrol. They had made contact with organized crime figures in the purchase of large quantities of drugs and stolen property. The undercover officers had stated that they were "Underworld figures from Fairbanks seeking to increase their contacts in the State of Washington before the advent of the gas pipeline". The criminals in Washington decided to check the story of the undercover officers and at that point, the Fairbanks Narcotics Team was contacted. Subsequently, a cover was set up for the Washington State Officers and the suspects in Washington ultimately agreed to do business with the Washington Officers. During negotiations between members of the Area-Wide Narcotic Team in Fairbanks and the suspects in Washington, a prostitute was sent to Fairbanks by the suspects to show "good faith in future dealings". The female adult, a convicted prostitute, also brought to the Fairbanks Area-Wide narcotic Team one ounce of cocaine as a sample of things to come. This case is noteworthy in that organized crime figures in the State of Washington were well aware of the possibility of expanding their illicit operations in the State of Alaska as the gas pipeline boom progressed. A final quote of the supervisor of Area-Wide Drug Team in Fairbanks sums up his opinion as to drug activities there. "In my approximately 5-1/2 years as a Narcotics Investigator for the Alaska State Troopers, I feel that 1980 has seen the greatest influx in controlled substances than any previous year."

Anchorage Metro Drug Unit supervisor reports continued operation in the Greater Anchorage area during 1980 utilizing six Anchorage Police Department personnel, two Alaska State Trooper personnel, and one Anchorage Police Department Scent detection dog. Numerous informants and Special Officers were employed to assist with undercover operations.

1980 Statistics showed 578 cases assigned, 138 drug charges filed, and \$790,012.00 worth of drugs seized. As with other Drug Units within the State, the Anchorage Metropolitan Drug Unit observed a substantial increase in cocaine availability.

It was further noted that the availability of controlled substances in general has shown a noteworthy increase during 1980, with marijuana being the most prevalent of those substances.

DATA COLLECTION

Statistics and data pertaining to statewide drug enforcement is a compilation of information collected and compiled by the Criminal Justice Planning Agency (CJPA) within the State Department of Law and the Department of Public Safety Statewide Drug Enforcement Unit.

Although all local Police Departments enforce drug laws, as do the Troopers and the several federal law enforcement agencies, not all these agencies report that information to CJPA. Of the 26 local Police Departments mentioned earlier, 20 contributed full-year data for 1980. In addition to these 26 departments, there are other smaller local Police Departments that do not participate in the data system, although it is equally true that they experience little, if any, drug problems. By far, the greatest drug traffic occurs in the larger cities, and they all contribute to the data system.

Other agencies not participating include all the Military services, the Coast Guard, U.S. Customs and the Drug Enforcement Agency all at the Federal level. However, since many of their cases involve the State Troopers, a substantial portion of their activity is reflected in Trooper data. Nevertheless, efforts continue to improve the data system. The goal is to have data from all Law Enforcement agencies in Alaska.

The statistics in this report, therefore, must be viewed as consisting of most, but not all the information about drug activity in Alaska.

STATISTICAL OVERVIEW

This 1980 drug report for Alaska is the result of substantial effort required by the complexities involved in drug reporting statistics. Drug trafficking and distribution are world-wide activities involving numerous persons. Drug enforcement for the same reason, is and must continue to be a cooperative effort often involving many different agencies. This very fact means that several law enforcement agencies "open" a case against the same individual. These cases normally result in more than one criminal charge being made against the individual involved. After the individual is arrested, each agency will show their case "closed by arrest".

An example of this situation would be an investigation of a drug trafficker who was buying drugs in San Francisco and transporting them to Anchorage and Kenai for distribution. In this instance, there may be cases initiated by police agencies in California, Drug Enforcement Administration (Federal), Anchorage Metro, the Alaska State Troopers, Kenai Police Department and the Kenai SCAN Team and possibly other local police departments. All these law enforcement agencies keep their own records of officers activities and thus they "open" a case relative to their investigation.

The subsequent investigation may result in a variety of charges being developed under the various investigations by the agencies involved. Once it is determined that an arrest is to be made, the individual (and possibly associates) is arrested, the associated cases are closed by arrest. In this example, at least six cases may have been opened for the development of from one to ten charges of drug offenses and one person (or possibly more) was arrested. It is readily apparent, from examples such as these, that the true measurement of drug activity and investigative results is not readily available by simply adding the statistics furnished by the different enforcement agencies. This report has screened out duplicative information to the extent possible and efforts continue to further refine drug reporting.

The following tables and graphs use certain common terms, which are explained, as follows:

NUMBER OF ARRESTS - Actual number of individuals arrested, cited or summoned for drug violations during the period specified.

OFFENSE CHARGE - The basic charges used to describe the drug offense. The general charge categories are detailed below:

SALE/NARCOTICS - Possession for sale or criminal activity relating to sale of opium, heroin, morphine, cocaine, codeine or related drugs.

SALE/MARIJUANA - Possession for sale or criminal activity relating to sale of hashish, marijuana or other related drugs.

SALE/SYNTHETIC NARCOTICS - Possession for sale or criminal activity relating to sale of methadone, demerol or related drugs.

SALE/DANGEROUS DRUGS - Possession for sale or criminal activity relating to sale of barbiturates, amphetamines, benzedrine, hallucinogens, tranquilizers, LSD, or related drugs.

USE/NARCOTICS - Possession for use, furnish, transport, manufacturing, cultivate or obtain unlawfully: opium, heroin, morphine, cocaine, codeine, or related drugs.

USE/MARIJUANA - Possession for use, furnish, transport, manufacture, cultivate or obtain unlawfully: hashish, marijuana, or other related drugs.

USE/SYNTHETIC NARCOTICS - Possession for use, furnish, transport, manufacture, cultivate or obtain unlawfully: methadone, demoral, or other related drugs.

USE/DANGEROUS DRUGS - Possession for use, furnish, transport, manufacture, cultivate, obtain unlawfully: barbiturates, amphetamines, benzeorine, hallucinogens, tranquilizers, LSD, or other related drugs.

NUMBER OF ARRESTS UNDER 18 - Juvenile drug offenders arrested 17 years old or less at time of offense.

NUMBER OF ARRESTS 18 OR OVER - Drug offenders 18 years or older at time of offense.

TOTAL DRUG CASES OPENED - Number of drug-related offenses or cases reported for the period specified.

DRUG SEIZURE - Amount of drug seized during the reporting period. The standard reporting units used for seizure of drugs is as follows:

- a. HEROIN - Weight in grams with a relative purity specified (100% maximum).
- b. COCAINE - Weight in grams with a relative purity specified (100% maximum).
- c. HASHISH - Weight in grams.
- d. MARIJUANA - Weight in pounds and ounces.
- e. PHARMACEUTICAL DRUGS - Dosage unit for specified drug.

DRUG VALUE - The street value of the specified drug seized. This value is determined as a state-wide value based on the volume of the drug on the illicit state market during the period specified. It should be noted that a drug purchased in large quantities which is relatively pure will have a street value far in excess of the initial price paid for the drug.

For computation purposes, the breakdown prices that determine street value are as follows:

Marijuana - Per Ounce	\$ 40.00
LSD - Per Tablet	3.00
Amphetamines - Per Hundred	30.00
Heroin - Per Gram	125.00
Cocaine - Per Gram	125.00
Hashish - Per Gram	10.00

SUMMARY CONCLUSION

Lack of available manpower requires screening and selection of cases to be worked. Available manpower has remained the same since the Unit's inception in 1973. Overall effectiveness of the Unit has diminished due to the substantial increase in drug trafficking and availability and lack of increase in the Unit's available manpower. The quantities of illegal drugs being imported into the State has increased each year as has the sophistication of the importers and street dealers that the investigators attempt to identify and apprehend. The illegal traffic in drugs increases the rate of crimes involving violence and theft of property. Continued Drug Enforcement efforts on a full-time professional basis by trained Narcotic Investigators with adequate funds for buy money, expenses and informants is critically needed to continue to meet the threats posed by narcotics in Alaska.

STATEWIDE DRUG ENFORCEMENT ARREST AND CASE SUMMARY INFORMATION
FOR CALENDAR YEAR 1980

STATEWIDE DRUG ENFORCEMENT TOTALS													ALL OTHER POLICE AGENCIES (LOCAL POLICE AND AST)			TOTAL		
ARRESTS	FAIRBANKS METRO			ANCHORAGE METRO			KENAI SCAN			STATEWIDE TOTAL			ALL AGENCIES					
	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL			
DRUG SALE	1	33	34	1	35	36	-	27	27	2	95	97	11	52	63	13	147	160
NARCOTICS	-	24	24	1	26	27	-	23	23	1	73	74	-	22	22	1	95	96
MARIJUANA	-	4	4	-	3	3	-	3	3	-	10	10	10	26	36	10	36	46
SYNTHETIC	-	-	-	-	1	1	-	-	-	-	1	1	-	-	-	-	-	-
DANGEROUS	1	5	6	-	5	5	-	1	1	1	11	12	1	4	5	2	15	17
DRUG POSSESSION	1	14	15	-	15	15	-	-	-	1	29	30	265	174	439	266	203	469
NARCOTICS	-	6	6	-	10	10	-	-	-	-	16	16	15	25	40	15	41	56
MARIJUANA	1	3	4	-	3	3	-	-	-	1	6	7	244	137	381	245	143	388
SYNTHETIC	-	-	-	-	-	-	-	-	-	-	-	-	2	1	3	2	1	3
DANGEROUS	-	5	5	-	2	2	-	-	-	-	7	7	4	11	15	4	18	22
TOTAL	2	47	49	1	50	51	-	27	27	3	124	127	276	226	502	279	350	629
OTHER ARRESTS	8			106			23			137			*			*		
TOTAL DRUG CHARGES	90			138			55			283			*			*		
TOTAL DRUG CASES OPEN	140			578			48			766			560			1326		

figure 1

* Figures not available for 1980

DRUG ARREST PERCENTAGES FOR SALE AND POSSESSION
BY STATEWIDE DRUG ENFORCEMENT UNITS COMPARED TO
OTHER POLICE AGENCIES

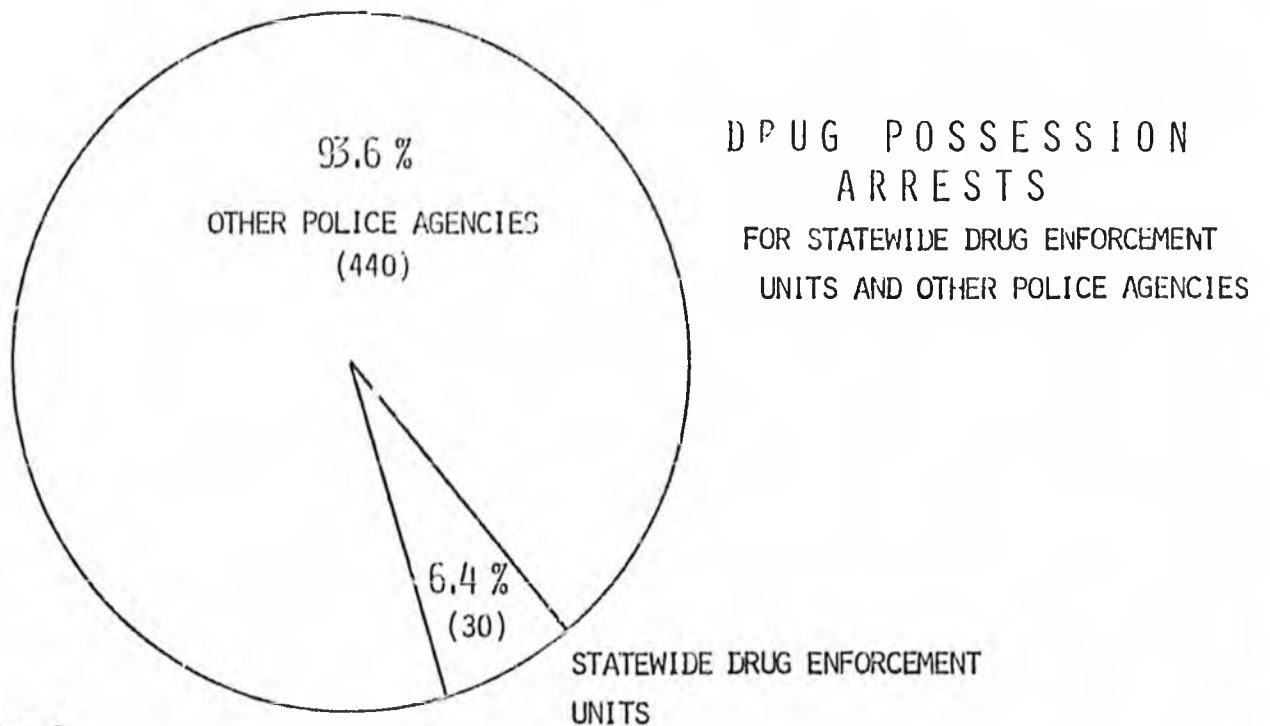
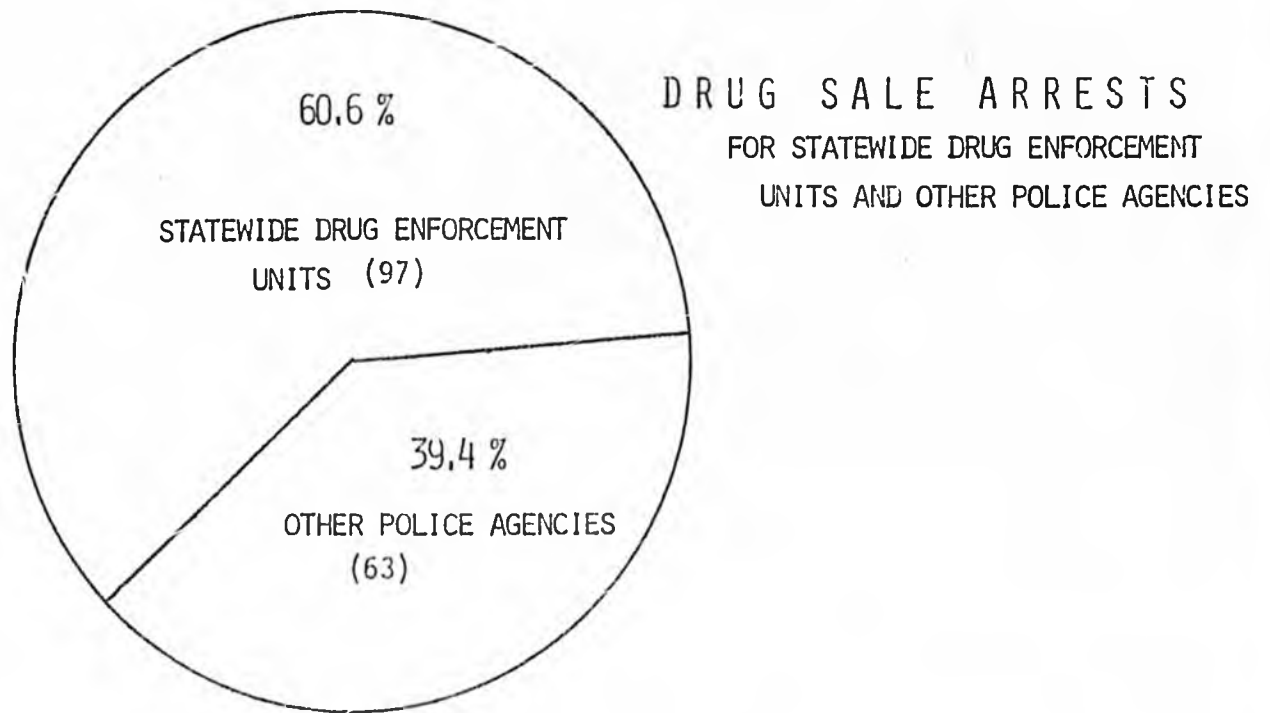


figure 2

FAIRBANKS AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

JUVENILE/ADULT	FAIRBANKS METRO			FAIRBANKS/NORTH POLE POLICE DEPARTMENTS			I DETACHMENT AST			TOTAL FAIRBANKS AREA		
	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL
DRUG SALE	1	33	34	-	2	2	-	-	-	1	35	36
NARCOTICS	-	24	24	-	-	-	-	-	-	-	24	24
MARIJUANA	-	4	4	-	2	2	-	-	-	-	6	6
SYNTHETIC DANGEROUS	-	-	-	-	-	-	-	-	-	-	-	-
DANGEROUS	1	5	6	-	-	-	-	-	-	1	6	6
DRUG POSSESSION	1	14	15	17	16	33	6	5	11	24	35	59
NARCOTICS	-	6	6	1	1	2	-	1	1	1	8	9
MARIJUANA	1	2	4	15	15	30	6	4	10	22	22	44
SYNTHETIC DANGEROUS	-	-	-	-	-	-	-	-	-	-	-	-
DANGEROUS	-	5	5	1	-	1	-	-	-	1	5	6
TOTAL	2	47	49	17	18	35	6	5	11	25	70	95
DRUG CASES OPENED	140			45			38			223		

figure 3

ANCHORAGE AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

ARRESTS	ANCHORAGE METRO			*ANCHORAGE/PALMER POLICE DEPARTMENTS			C - G DETACHMENT AST			TOTAL ANCHORAGE AREA		
	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL
DRUG SALE	1	35	36	8	21	29	2	-	2	11	56	67
NARCOTICS	1	26	27	-	13	13	-	-	-	1	39	40
MARIJUANA	-	3	3	7	7	14	2	-	2	9	10	19
SYNTHETIC DANGEROUS	-	1	1	-	-	-	-	-	-	-	1	1
DANGEROUS	-	5	5	1	1	2	-	-	-	1	6	7
DRUG POSSESSION	-	15	15	139	14	153	22	38	60	161	67	228
NARCOTICS	-	10	10	5	1	6	4	3	7	9	14	23
MARIJUANA	-	3	3	134	10	144	17	34	51	151	47	198
SYNTHETIC DANGEROUS	-	-	-	-	1	1	-	-	-	-	1	1
DANGEROUS	-	2	2	-	2	2	1	1	2	1	5	6
TOTAL	1	50	51	147	35	182	24	38	62	172	123	295
DRUG CASES OPENED	578			517			74			1169		

* For 1980 the Anchorage Police Department of Anchorage Metro include a limited amount of duplication for arrest information due to the overlap in the reporting of drug cases.

figure 4

KENAI - SOLDOTNA - KODIAK - CORDOVA AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

ARRESTS	KENAI SCAN			* KENAI PENINSULA POLICE AGENCIES			KODIAK/VALDEZ/ CORDOVA POLICE DEPT.			D - E DETACHMENT AST			TOTAL KENAI SCAN AREA		
	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL
DRUG SALE	-	27	27	1	4	5	-	4	4	-	-	-	1	35	36
NARCOTICS	-	23	23	-	2	2	-	3	3	-	-	-	-	28	28
MARIJUANA	-	3	3	1	-	1	-	1	1	-	-	-	1	4	5
SYNTHETIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DANGEROUS	-	1	1	-	2	2	-	-	-	-	-	-	-	3	3
DRUG POSSESSION	-	-	-	22	18	40	2	8	10	-	4	4	24	30	54
NARCOTICS	-	-	-	1	8	9	-	7	7	-	-	-	1	15	16
MARIJUANA	-	-	-	21	10	31	2	-	2	-	3	3	23	13	36
SYNTHETIC	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
DANGEROUS	-	-	-	-	-	-	-	1	1	-	1	1	-	2	2
TOTAL	-	27	27	23	22	45	2	12	14	-	4	4	25	65	90
DRUG CASES OPENED	48			93			37			8			186		

* Includes Soldotna, Kenai, Seward and Homer Police Departments

figure 5

41

NORTH AND WESTERN ALASKA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

ARRESTS	F DETACHMENT AST			* NORTHWESTERN ALASKA POLICE DEPT.			TOTAL NORTHWESTERN		
	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL
DRUG SALE	-	6	6	-	4	4	-	10	10
NARCOTICS	-	1	1	-	-	-	-	1	1
MARIJUANA	-	5	5	-	4	4	-	9	9
SYNTHETIC	-	-	-	-	-	-	-	-	-
DANGEROUS	-	-	-	-	-	-	-	-	-
DRUG POSSESSION	-	3	3	7	9	16	7	12	19
NARCOTICS	-	-	-	3	2	5	3	2	5
MARIJUANA	-	3	3	4	6	10	4	9	13
SYNTHETIC	-	-	-	-	-	-	-	-	-
DANGEROUS	-	-	-	-	1	1	-	1	1
TOTAL	-	9	9	7	13	20	7	22	29
DRUG CASES OPENED	15			76			91		

* Includes Bethel, North Slope Borough,
Nome, Kotzebue and Unalaska Police Departments.

figure 6

SOUTHEAST ALASKA AND ADJACENT AREA

TABLE OF DRUG ARRESTS AND REPORTED DRUG OFFENSES
FOR CALENDAR YEAR 1980

ARRESTS	B DETACHMENT AST			* SOUTHEASTERN ALASKA POLICE DEPT.			TOTAL SOUTHEAST		
	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL	UNDER 18	18 & OVER	TOTAL
DRUG SALE	-	1	1	-	10	10	-	11	11
NARCOTICS	-	-	-	-	3	3	-	3	3
MARIJUANA	-	1	1	-	6	6	-	7	7
SYNTHETIC	-	-	-	-	-	-	-	-	-
DANGEROUS	-	-	-	-	1	1	-	1	1
DRUG POSSESSION	24	21	45	26	38	64	50	59	109
NARCOTICS	1	-	1	-	2	2	1	2	3
MARIJUANA	22	21	43	23	31	54	45	52	97
SYNTHETIC	-	-	-	2	-	2	2	-	2
DANGEROUS	1	-	1	1	5	6	2	5	7
TOTAL	24	22	46	26	47	73	50	70	120
DRUG CASES OPENED	52			128			160		

* Includes Juneau, Petersburg, Wrangell,
Ketchikan and Sitka Police Departments

figure 7

NARCOTIC & DRUG SEIZURES STATEWIDE
Calendar Year 1980 *

AGENCY	MARIJUANA		LSD		PHARMACEUTICAL DRUGS		HEROIN		COCAINE		HASHISH		Other Drugs Seized		Total Value of Narcotic & Drugs Seized
	Pounds / Ounces	Street Value \$	Tablets	Street Value \$	Tablets	Street Value \$	Grams	Street Value \$	Grams	Street Value \$	Grams	Street Value \$	Type/ Amount	Street Value \$	Street Value
Anchorage Metro	77-14	\$49,840	5,472	\$16,416	802	\$241	23.5	\$2,938	4,210 (40% ave.)	\$701,717	1,096	\$10,960	25.5 pds mush- rooms opium 1/4 gram morphine 2 1/2 gram	\$7,500 \$ 100 \$ 300	\$ 790,012
Kenai SCAN	1-2	\$720	234	\$702	199 quaalude	\$60			1,559 (40%)	\$259,875					\$ 261,357
Southeast Alaska	2-0	\$1,280	3	\$9					23.3	\$3,538	10	\$100			\$ 4,927
Fairbanks Metro	4-14	\$3,120	250	\$750	9,533	\$2,860			1,399 (38.6%)	\$225,125					\$ 231,855
1980 Total Amount	85-14	\$54,960	5,959	\$17,877	10,534	\$3,161	23.5	\$2,938	7,196.3	\$1,190,255	1,106	\$11,060		\$7,900	\$1,288,151

* Note: During 1980, other seizures of vehicles, money and gold used in drug operations were made by the State-wide Drug Units. These items were all turned over to the Federal authorities because there is no State Statute providing seizure authority for State and local law enforcement agencies.

figure 8

STATEWIDE DRUG ENFORCEMENT

SEIZURE VALUATION COMPARED TO EXPENSES
(BUY MONEY, EXPENSES, AND INFORMATION COST)

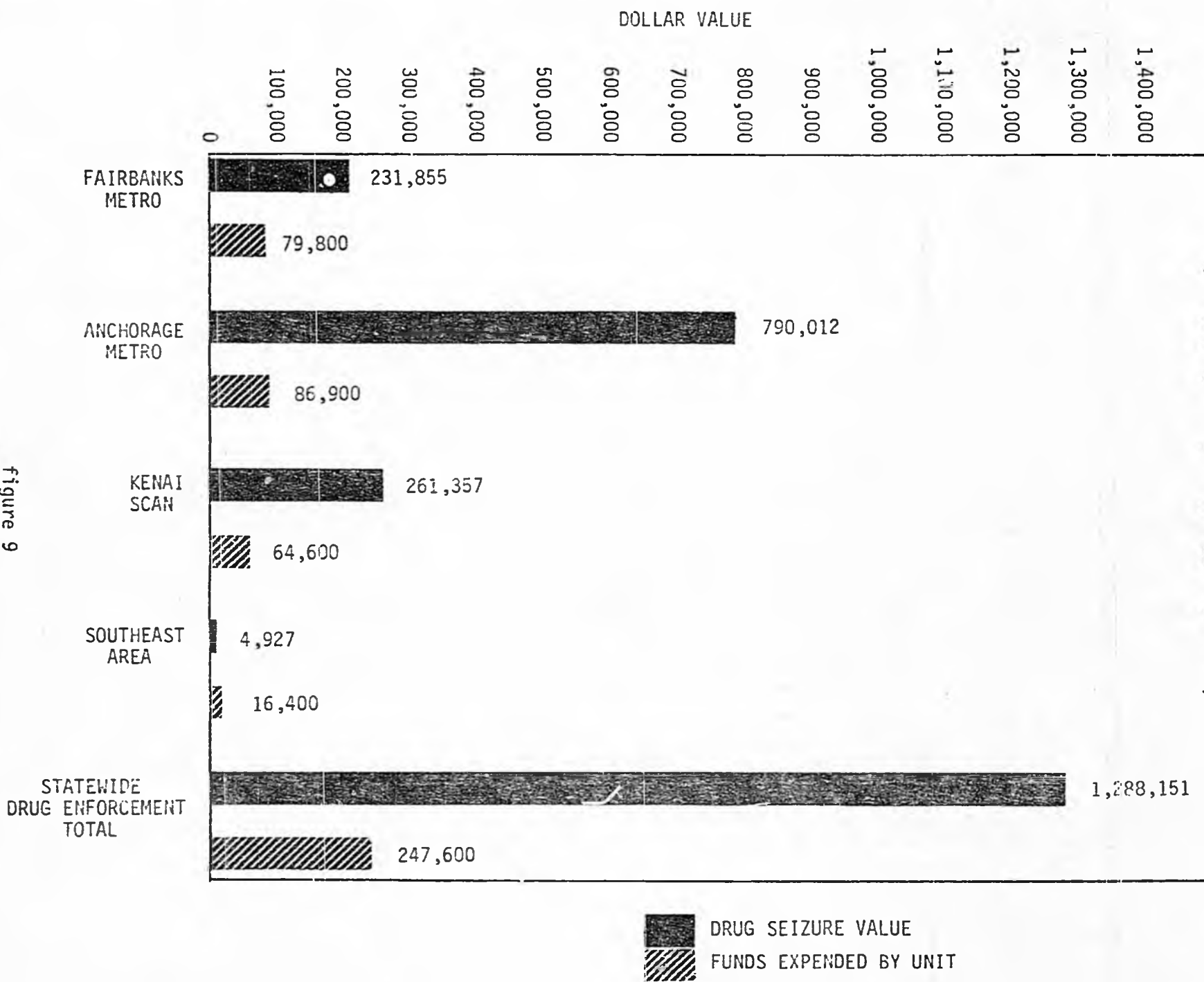


figure 9
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TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

02177 NL ANCHORAGE ALASKA 191 01-12 1235P AST

PMS REP RAMONA BARNES
JUNEAU 0588

AS A 44 YEAR RESIDENT OF ALASKA AND PHYSICIAN WITH 26 YEARS EXPERIENCE IN TREATING PEOPLE WITH ALCOHOLIC DRUG ABUSE PROBLEMS I STRONGLY URGE YOU TO RECOMMEND A DO NOT PASS FOR THE DRUG ENFORCEMENT ACT HB180. THIS ACT IS PUNITIVE FOR MERE POSSESSION OR SHARING OF DRUGS (WHICH IS PRESUMPTION OF GUILT) WITH NO REGARD AS TO WHETHER HARMFUL OR AGGRESSIVE ACTS HAVE BEEN COMMITTED TOWARD ANYONE. IF DRUG TRAFFICKING IS TO BE ILLEGAL LET US DIRECT OUR ENFORCEMENT TOWARD THE SELLER NOT THE USER AND LET US NOT PRESUME GUILT UNDER ANY CIRCUMSTANCES. THE ACT CREATES AN ADVISORY BOARD TO REVIEW THE ENFORCEMENT ACT ITSELF AND DRUG TREATMENT PROGRAMS. AN ADVISORY BOARD ON DRUG ABUSE ALREADY EXISTS AND WOULD BE MORE APPROPRIATE THAN A NEW BOARD. IT COULD BE COMPLEMENTED BY ADDITION OF LAW ENFORCEMENT PEOPLE IF THOUGHT NECESSARY. A DO NOT PASS RECOMMENDATION WOULD ALLOW CONSIDERED REVIEW OR REVISION OF THIS ACT. THE JOINT LEGISLATIVE COMMITTEE OF THE REVIEW BOARD ON ALCOHOLISM AND THE DRUG ADVISORY BOARD WOULD BE WILLING TO ASSIST. PLEASE INCORPORATE THIS IN THE RECORD OF THURSDAYS PUBLIC HEARING 1-14-82.

DR BOB JOHNSON

BOX 1727

KODIAK AK 99615

Anchorage Daily News

Alaska's Only Morning Newspaper

GERALD E. GRILLY
General Manager

January 14, 1982

Brian Porter
Chief of Police
Municipality of Anchorage
625 C Street
Anchorage, AK 99501

Dear Brian:

Attached you will find a letter signed by me representing the Anchorage Crime Commission to Ramona L. Barnes stating our support for the enactment of House Bill 180.

We appreciate your carrying our message to them and if any questions should arise while in Juneau, please call my office or the offices of George Nelson or Cas Bierman at Sohio.

Sincerely,

Gerald E. Grilly
Gerald E. Grilly

GEG:lah

cc: Bob Penney
Ron Moore
George Nelson
Cas Bierman

Attach.

ANCHORAGE CRIME COMMISSION
ANCHORAGE, ALASKA

January 15, 1982

Ramona L. Barnes
State Representative
House of Representatives
Juneau, Alaska

Dear Mrs. Barnes:

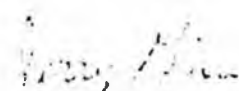
The Anchorage Crime Commission strongly endorses the enactment of House Bill 180. This should provide a clear message that the people of Alaska will no longer tolerate the sale, use or possession of illicit drugs including marijuana with its attendant high crime rate. Substantive drugs, including marijuana, have proven to be the principle motivating factor for crimes against property and a significant factor in the commission of violent crimes. Murder cases in the Anchorage area have been predominantly related to drugs.

The current legislation has created a permissive environment for soft drugs throughout the State. Soft drugs more often than not lead to hard drugs. In Anchorage alone drug related arrests have been decreasing since its enactment. Only 178 arrests were made in 1980 which showed a steady decline from 367 arrests in 1978. In 1980, 80% or 143 of those arrests were persons 18 years old or younger. This trend will continue unless the legislature takes strong action to stem the flow of drugs into and within our State.

We acknowledge that alcohol contributes to our high crime rate and recognize that measures are being taken for control in that area at a leisurely pace. Substantive drugs, however, have been identified as a more serious contributing factor and must be acted upon now.

Any assistance you may provide will be greatly appreciated by all members of the Anchorage Crime Commission.

Sincerely,


Jerry Grilly
Treasurer

CRIME STOPPERS OF ANCHORAGE

Quarterly Report

December 31, 1981

Crime Stoppers of Anchorage started operations on Monday, September 14, 1981. During the ensuing sixteen week period ended December 31, 1981, 235 calls were logged through 274-STOP. 101 code numbers have been assigned to persons furnishing useful information about criminal activities in our city. Many of these callers remain active.

Seven arrests have solved 46 cases. Six indictments have been returned and the one trial that has been completed through our court system has resulted in a conviction and the person is in prison.

The 46 cases solved involved \$169,600 of stolen property. Of this total, \$63,600 of property has been recovered and returned to owners.

The six rewards paid during the quarter total \$2,050. That's an excellent return on investment -- approximating slightly over 3000 percent when compared to recovered property.

Our Anchorage program is proving to be one of the best in the nation. In other cities it isn't unusual to go a full year before solving a Crime of the Week. We solved our third ^{WEEK'S} Crime of the Week and I'm pleased to report that a second -- involving over \$20,000 in property damage -- has just been solved and will be a part of the next quarter's statistics.

Perhaps the most unusual local Crime Stopper event was the call to 274-STOP that halted an attempted jail break in late December. On a national level Crime Stoppers is over five years old and Anchorage's new program is the first Crime Stopper group to stop a jail break. Crime Stoppers USA will be publicizing this "first" in national publications.

Like any new business just starting operations, Crime Stoppers of Anchorage is building up an inventory. Our inventory is cases being actively worked by the Anchorage Police and Alaska State Troopers. As you may have guessed, most cases solved have involved drugs in one way or the other. Likewise, a large number of the cases presently under investigation involve the sale, distribution and trafficking of drugs in Alaska. In most instances these cases take several months to work; may involve under-cover operations and are very difficult to resolve. The majority of anonymous callers are giving information on our very serious drug problem. The Board of Crime Stoppers believes that our next quarterly report will include some very gratifying statistics related to drugs.

There are three factors that have blended together to cause the success of Crime Stoppers in our community. First, our board has been active, responsive and creative. Their volunteer efforts and talents can never be measured in dollars. Your support can, and the private sector has donated just over \$9,000 to date. Secondly, our local law enforcement agencies -- the Anchorage Police and Alaska State Troopers -- pitched in from the start and believed in the program as a concept, before it ever proved itself. Those of us that have had the opportunity to work with these professionals know how fortunate we are to have this caliber of people in our community. Their support and professionalism has been superb. And finally, our local media has cooperated in a manner unequalled anywhere in the nation. The print, audio and visual media have it in their power to make or break this program. My hat is off to all of the people that have assisted us from the media sector. Reporters, newscasters and management have responded to this community need in an exemplary fashion.

Crime Stoppers of Anchorage is your program -- not mine or the Chamber of Commerce or the police or the media. If the activity during the next quarter increases as we suspect, our only problem is going to be an adequate reward fund. To date, approximately 200 individuals and businesses have contributed \$9,036. The bank balance stands at \$5,992 at December 31, 1981. It wouldn't take many successful informants to wipe out our surplus.

Our main money raising scheme this month is a program involving the Municipal Utility billings. Over 50,000 utility customers will be receiving a donation form along with their monthly statement in January 1982. This should result in a large volume of small contributions, but probably won't sustain the fund for any long period.

Other fund raising projects are being planned, but in the interim we are working on a shoestring and your financial assistance is crucial. One way to be of help would be to stuff your customer's billings with this same donation request form. Call the Chamber office - 272-2401 - if you would like to participate in such a mailing.

Finally, if you haven't given personally, please send a check to 415 F street, the Crime Stopper's office at the Chamber of Commerce.

WE'RE GOING TO MAKE ANCHORAGE AN UNPLEASANT PLACE FOR THE CRIMINAL.

QUARTERLY REPORT
for
September-December , 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

	<u>TOTAL</u>	<u>TOTAL TO DATE</u> <u>Monthly/Quarterly</u>	<u>TOTAL</u>	<u>ARRESTS</u> <u>TOTAL TO DATE</u>
NUMBER OF CODE NUMBERS ISSUED:	101	101		
NUMBER OF CALLS TO CRIME STOPPERS:	235	235		
<u>CASES SOLVED:</u>				
HOMICIDE				
RAPE				
ARMED ROBBERY	8		2	
AGGRAVATED ASSAULT				
BURGLARY	19		4	
LARCENY/THEFT				
AUTO THEFT	2			
TOTAL INDEX CRIMES				
ARSON				
NARCOTICS				
FORGERY/FRAUD	15		1	
FUGITIVES				
OTHER (SPECIFY) Jail Break	1			
Vandalism	1			
TOTAL CASES SOLVED	46		7	
INDICIMENTS/TRIALS/CONVICTIONS	6/1/1	6/1/1		
\$ VALUE CASH/PROPERTY STOLEN/DAMAGED	169,600	169,600		
\$ VALUE RECOVERED PROPERTY	63,600	63,600		
\$ VALUE SEIZED NARCOTICS	200	200		
REWARDS PAID	2,050	2,050		
CASES SOLVED - NO REWARDS	3	3		

MONTHLY REPORT
for
December , 198 1

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

	<u>TOTAL</u>	<u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u>	<u>TOTAL</u>	<u>ARRESTS</u> <u>TOTAL TO DATE</u>
NUMBER OF CODE NUMBERS ISSUED:	<u>36</u>	<u>101</u>		
NUMBER OF CALLS TO CRIME STOPPERS:	<u>73</u>	<u>235</u>		
<u>CASES SOLVED:</u>				
HOMICIDE	<u> </u>	<u> </u>	<u> </u>	<u> </u>
RAPE	<u> </u>	<u> </u>	<u> </u>	<u> </u>
ARMED ROBBERY	<u> </u>	<u>8</u>	<u> </u>	<u>2</u>
AGGRAVATED ASSAULT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
BURGLARY	<u> </u>	<u>19</u>	<u> </u>	<u>4</u>
LARCENY/THEFT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
AUTO THEFT	<u> </u>	<u>2</u>	<u> </u>	<u> </u>
TOTAL INDEX CRIMES	<u> </u>	<u> </u>	<u> </u>	<u> </u>
ARSON	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NARCOTICS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FORGERY/FRAUD	<u> </u>	<u>15</u>	<u> </u>	<u>1</u>
FUGITIVES	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER (SPECIFY) Jail Break	<u>1</u>	<u>1</u>	<u> </u>	<u> </u>
Vandalism	<u>1</u>	<u>1</u>	<u> </u>	<u> </u>
TOTAL CASES SOLVED	<u>2</u>	<u>46</u>	<u> </u>	<u>7</u>
INDICIMENTS/TRIALS/CONVICTIONS	<u>0/0/0</u>	<u>6/1/1</u>		
\$ VALUE CASH/PROPERTY STOLEN/DAMAGED	<u>24,000</u>	<u>169,600</u>		
\$ VALUE RECOVERED PROPERTY	<u>0</u>	<u>63,600</u>		
\$ VALUE SEIZED NARCOTICS	<u>200</u>	<u>200</u>		
REWARDS PAID	<u>0</u>	<u>2,050</u>		
CASES SOLVED - NO REWARDS	<u>2</u>	<u>3</u>		

MONTHLY REPORT
for
November , 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

	<u>TOTAL</u>	<u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u>	<u>TOTAL</u>	<u>ARRESTS</u> <u>TOTAL TO DATE</u>
NUMBER OF CODE NUMBERS ISSUED:	<u>24</u>	<u>65</u>		
NUMBER OF CALLS TO CRIME STOPPERS:	<u>49</u>	<u>162</u>		
<u>CASES SOLVED:</u>				
HOMICIDE	<u> </u>	<u> </u>	<u> </u>	<u> </u>
RAPE	<u> </u>	<u> </u>	<u> </u>	<u> </u>
ARMED ROBBERY	<u>1</u>	<u>8</u>	<u>1</u>	<u>2</u>
AGGRAVATED ASSAULT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
BURGLARY	<u>1</u>	<u>19</u>	<u> </u>	<u>4</u>
LARCENY/THEFT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
AUTO THEFT	<u> </u>	<u>2</u>	<u> </u>	<u> </u>
TOTAL INDEX CRIMES	<u> </u>	<u> </u>	<u> </u>	<u> </u>
ARSON	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NARCOTICS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FORGERY/FRAUD	<u>15</u>	<u>15</u>	<u>1</u>	<u>1</u>
FUGITIVES	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER (SPECIFY)	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL CASES SOLVED	<u>17</u>	<u>44</u>	<u>2</u>	<u>7</u>
INDICIMENTS/TRIALS/CONVICTIONS	<u>1/0/0</u>	<u>6/1/1</u>		
\$ VALUE CASH/PROPERTY STOLEN/DAMAGED	<u>4,600</u>	<u>145,600</u>		
\$ VALUE RECOVERED PROPERTY	<u>4,600</u>	<u>63,600</u>		
\$ VALUE SEIZED NARCOTICS	<u> </u>	<u> </u>		
REWARDS PAID	<u>400</u>	<u>2,050</u>		
CASES SOLVED - NO REWARDS	<u>1</u>	<u>1</u>		

MONTHLY REPORT
for
September, 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

	<u>TOTAL</u>	<u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u>	<u>TOTAL</u>	<u>ARRESTS</u> <u>TOTAL TO DATE</u>
NUMBER OF CODE NUMBERS ISSUED:	<u>10</u>	<u>10</u>		
NUMBER OF CALLS TO CRIME STOPPERS:	<u>31</u>	<u>31</u>		
<u>CASES SOLVED:</u>				
HOMICIDE	<u> </u>	<u> </u>	<u> </u>	<u> </u>
RAPE	<u> </u>	<u> </u>	<u> </u>	<u> </u>
ARMED ROBBERY	<u>7</u>	<u>7</u>	<u>1</u>	<u>1</u>
AGGRAVATED ASSAULT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
BURGLARY	<u>17</u>	<u>17</u>	<u>3</u>	<u>3</u>
LARCENY/THEFT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
AUTO THEFT	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL INDEX CRIMES	<u> </u>	<u> </u>	<u> </u>	<u> </u>
ARSON	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NARCOTICS	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FORGERY/FRAUD	<u> </u>	<u> </u>	<u> </u>	<u> </u>
FUGITIVES	<u> </u>	<u> </u>	<u> </u>	<u> </u>
OTHER (SPECIFY)	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TOTAL CASES SOLVED	<u>24</u>	<u>24</u>	<u>4</u>	<u>4</u>
INDICTMENTS/TRIALS/CONVICTIONS	<u>1/1/1</u>	<u>1/1/1</u>		
\$ VALUE CASH/PROPERTY STOLEN/DAMAGED	<u>119,000</u>	<u>119,000</u>		
\$ VALUE RECOVERED PROPERTY	<u>37,000</u>	<u>37,000</u>		
\$ VALUE SEIZED NARCOTICS	<u> </u>	<u> </u>		
REWARDS PAID	<u>1,350</u>	<u>1,350</u>		
CASES SOLVED - NO REWARDS	<u>0</u>	<u>0</u>		

MONTHLY REPORT
for
October , 1981

COORDINATOR: Sgt. George S. Novaky

TELEPHONE: 264-4149

PROGRAM NAME: Crime Stoppers

STARTING DATE OF PROGRAM: September 14, 1981

	<u>TOTAL</u>	<u>TOTAL TO DATE</u> <u>(Monthly/Quarterly)</u>	<u>TOTAL</u>		<u>ARRESTS</u> <u>TOTAL TO DATE</u>
NUMBER OF CODE NUMBERS ISSUED:	<u>31</u>	<u>41</u>			
NUMBER OF CALLS TO CRIME STOPPERS:	<u>82</u>	<u>113</u>			
<u>CASES SOLVED:</u>					
HOMICIDE	<u> </u>	<u> </u>	<u> </u>		<u> </u>
RAPE	<u> </u>	<u> </u>	<u> </u>		<u> </u>
ARMED ROBBERY	<u> </u>	<u>7</u>	<u> </u>		<u>1</u>
AGGRAVATED ASSAULT	<u> </u>	<u> </u>	<u> </u>		<u> </u>
BURGLARY	<u>1</u>	<u>18</u>	<u>1</u>		<u>4</u>
LARCENY/THEFT	<u> </u>	<u> </u>	<u> </u>		<u> </u>
AUTO THEFT	<u>2</u>	<u>2</u>	<u> </u>		<u> </u>
TOTAL INDEX CRIMES	<u> </u>	<u> </u>	<u> </u>		<u> </u>
ARSON	<u> </u>	<u> </u>	<u> </u>		<u> </u>
NARCOTICS	<u> </u>	<u> </u>	<u> </u>		<u> </u>
FORGERY/FRAUD	<u> </u>	<u> </u>	<u> </u>		<u> </u>
FUGITIVES	<u> </u>	<u> </u>	<u> </u>		<u> </u>
OTHER (SPECIFY)	<u> </u>	<u> </u>	<u> </u>		<u> </u>
TOTAL CASES SOLVED	<u>3</u>	<u>27</u>	<u>1</u>		<u>5</u>
INDICIMENTS/TRIALS/CONVICTIONS	<u>4/0/0</u>	<u>5/1/1</u>			
\$ VALUE CASH/PROPERTY STOLEN/DAMAGED	<u>22,000</u>	<u>141,000</u>			
\$ VALUE RECOVERED PROPERTY	<u>22,000</u>	<u>59,000</u>			
\$ VALUE SEIZED NARCOTICS	<u> </u>	<u> </u>			
REWARDS PAID	<u>300</u>	<u>1,650</u>			
CASES SOLVED - NO REWARDS	<u>0</u>	<u>0</u>			

CRIME STOPPERS OF ANCHORAGE

Statement of Cash Receipts and Disbursements
for the period September 14, 1981 through December 31, 1981

Bank balance, September 14, 1981		
Cash receipts		
Contributions - individuals and businesses		\$9,036.77
Cash disbursements		
Rewards (6)	\$2,050.00	
Printing and supplies	332.00	
Telephone	211.01	
Advertising	363.00	
Incorporation costs	<u>89.65</u>	
		<u>3,045.66</u>
Bank balance, December 31, 1981		<u><u>\$5,991.11</u></u>

June 22, 1981

CSSJR 18(SA) continued

Nays: 0

Not Voting: 3 Anderson, Malone, Zharoff

And so, CSSJR 18(SA) passed the House on reconsideration of the vote, was signed by the Speaker and the Chief Clerk and returned to the Senate.

SECOND READING OF SENATE BILLS

SB 190

SENATE BILL NO. 190 (revising the drug laws and making amendments to the criminal laws of the state; effective date) was read the second time with Judiciary Committee report (page 2261 of the journal).

Amendment No. 1 by Beirne, Bettisworth, Brown, Fanning, Randolph, Rogers and Sutcliffe:

AMENDMENT

1
2
3 Offered in the HOUSE

4 TO: SB 190

5
6 Page 1, line 29 - page 36, line 25:

7 Delete all material and insert the following:

8 * Sec. 2. AS 11 is amended by adding a new chapter to read:

9 CHAPTER 71. CONTROLLED SUBSTANCES.

10 ARTICLE 1. OFFENSES RELATING TO CONTROLLED SUBSTANCES.

11 Sec. 11.71.010. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
12 THE FIRST DEGREE. (a) Except as authorized in § 17.30, a person
13 commits the crime of misconduct involving a contro. substance in the
14 first degree if he manufactures any amount of a schedule IA controlled
15 substance or delivers any amount of a schedule IA controlled substance
16 to a person under 19 years of age who is at least three years younger
17 than he.

SB 190 continued

Representative Beirne moved and asked unanimous consent for the adoption of Amendment No. 1.

Representative Barnes objected.

Representative Brown placed a call of the House.

Representative Brown lifted the call of the House.

Representative Halford moved and asked unanimous consent that the House recess until 5:00 p.m. There being no objection, the House recessed at 3:00 p.m.

AFTER RECESS

The House was called back to order at 5:05 p.m.

SB 190 continued

Amendment No. 1 was before the House at this time.

Representative Rogers placed a call of the House on the amendment.

The question being: "Shall Amendment No. 1 be adopted?
The roll was taken with the following result:

SB 190 continued

SB 190 AM1

Yeas: 24 Abood, Beirne, Bettisworth, Brown,
Buchholdc, Carney, Clocksin, Cotten,
Cuddy, Duncan, Fanning, Freeman,
Gardiner, Malone, Meekins, Miller,
O'Connell, Phillips, Randolph,
Rogers, Smith, Sutcliffe, Vaska,
Zharoff

Nays: 16 Adams, Anderson, Barnes, Bylsma,
Cato, Chuckwuk, Fuller, Grussendorf,
Halford, Haugen, Hayes, Hurlbert,
Martin, Metcalfe, Montgomery, Moss

Not
Voting: 0

Representative O'Connell changed his vote from "nay" to "yea."

And so, Amendment No. 1 was adopted.

SB 190am11

Representative Rogers lifted the call of the House.

Representative O'Connell placed a call of the House on the bill.

Amendment No. 2 to SB 190 by Meekins:

(This amendment was drafted to SB 190 and will have to be incorporated into SB 190am11 if adopted.)

Page 1, line 28

Add a new section four and number all following sections accordingly.

Sec. 4. AS 11.41.200 (a) (1) is amended to read:

SB 190amH continued

Representative Meekins moved for adoption of Amendment No. 2.

Representative Barnes objected.

The question being: "Shall Amendment No. 2 be adopted?"
The roll was taken with the following result:

SB 190AMH AM2

Yeas: 20 Bairns, Battisworth, Buchholdt,
Carney, Chuckwuk, Cotten, Cuddy,
Fanning, Freeman, Gardiner, Malone,
Martin, Meekins, Metcalfe, Miller,
Moss, Randolph, Rogers, Vaska,
Zharoff

Nays: 20 Abood, Adams, Anderson, Barnes,
Brown, Bylsma, Cato, Clocksin,
Duncan, Fuller, Grussendorf, Halford,
Haugen, Hayes, Hurlbert, Montgomery,
O'Connell, Phillips, Smith,
Sutcliffe

Not
Voting: 0

Representative O'Connell changed his vote from "yea" to "nay."

Representative Cotten changed his vote from "nay" to "yea."

Representative Duncan changed his vote from "yea" to "nay."

Representative Vaska changed his vote from "nay" to "yea."

Representative Adams changed his vote from "yea" to "nay."

SB 190:amH continued

(1) he recklessly causes serious physical injury to another person by means of a dangerous instrument;

Add a new section 5 and number all following sections accordingly:

Sec. 5. AS 11.41.210 (a) (2) is amended to read:

(2) he recklessly causes serious physical injury to any person.

Add a new section 6 and number all following sections accordingly:

Sec. 6. AS 11.41.220 (a) is amended to read:

(a) A person commits the crime of assault in the third degree if he recklessly

(1) places another person in fear of imminent serious physical injury by means of a dangerous instrument; or

(2) causes physical injury to another person by means of a dangerous instrument

Add a new section 7 and number all following sections accordingly:

Sec. 7. AS 11.41.230 (a) (3) is amended to read:

(3) by words or other conduct he recklessly places another person in fear of imminent physical injury.

Add a new section 8 and number all following sections accordingly:

Sec. 8. AS 11.81.630 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section, evidence that the defendant was intoxicated may not be offered to negate the element of the offense of assault in the second degree that requires that the defendant intentionally cause a result (AS 11.41.210 (a) (1)).

SB 190amH continued

And so, Amendment No. 2 was not adopted.

Representative Halford moved and asked unanimous consent that SB 190amH be considered engrossed, advanced to third reading and placed on final passage. There being no objection, it was so ordered.

SB 190amH was read the third time.

The Speaker stated the call was satisfied.

The question being: "Shall SB 190amH pass the House?"
The roll was taken with the following result:

SB 190AMH

Yeas: 15 Beirne, Bettisworth, Brown,
Buchholdt, Carney, Cotten, Duncan,
Freeman, Gardiner, Malone, Miller,
Rogers, Smith, Vaska, Zharoff

Nays: 24 Abood, Adams, Anderson, Barnes,
Bylsma, Cato, Chuckwuk, Clocksin,
Cuddy, Fanning, Fuller, Grussendorf,
Halford, Haugen, Hayes, Hurlbert,
Martin, Metcalfe, Montgomery, Moss,
O'Connell, Phillips, Randolph,
Sutcliffe

Not
Voting: 1 Meckins

Representative Grussendorf changed his vote from "yea" to "nay."

Representative Abood changed his vote from "yea" to "nay."

And so, SB 190amH failed to pass the House.

SB 190amH continued

Representative Halford served notice of reconsideration of his vote on SB 190amH on the next legislative day.

CSSB 351(Fin)am

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 351 (Finance) amended (relating to donations of personal leave; effective date) was read the second time with the State Affairs Committee report (page 1622 of the journal), the Finance Committee report (page 2279 of the journal), the 2d Finance Committee report (page 2330 of the journal) and the Rules Committee report (page 2378 of the journal).

Representative Halford moved and asked unanimous consent that CSSB 351(Fin)am be held in second reading for tomorrow's calendar. There being no objection, it was so ordered.

CSSB 84(Res)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 84 (Resources) (relating to the processing of permits by state agencies; effective date) was read the second time with the Finance Committee report (page 2371 of the journal) and the Rules Committee report (page 2378 of the journal).

Representative Halford moved and asked unanimous consent that CSSB 84(Res) be returned to the Rules Committee. There being no objection, it was so ordered.

The House reverted to

ALASKA

STATE LEGISLATURE

MEMORANDUM

DATE: 27 January 1982

TO: Representative Ramona Barnes

FROM: Representative Terry Martin

I thought that you might find this article of interest (Legislative inroads against computer crime).

First Reading

Legislative inroads against computer crime

Cracking a safe used to require sandpapered fingertips and sensitive ears, the ability to work by flashlight and to handle an occasional stick of dynamite. But now that financial data are automated, computers are becoming the bank vaults of business, electronic signals and magnetic patterns the medium of exchange.

It is estimated that the annual loss in the United States from computer crimes is more than \$100 million. Detection and prosecution are difficult, requiring a knowledge of computer technology. But to deter and combat this type of white-collar crime, 12 state legislatures—two this year—have enacted computer crime laws. Other legislatures are considering them.*

Montana and Georgia passed laws this year making computer crime a new offense. Meanwhile, Minnesota legislators referred two such bills to a conference committee after debating whether computer crime is a new offense or whether the computer is just a new instrument for old crimes, punishable under existing laws.

The U.S. Justice Department has compiled a list of cases where criminals have used the computer to commit fraud, larceny, embezzlement, bribery, burglary, sabotage, espionage, conspiracy, extortion and kidnapping. The department's 1979 manual on computer crime pointed out the need for laws "directly applicable to computer crime." Federal legislation on computer crime has been before Congress since 1977, but has never passed.

U.S. Representative Bill Nelson (D-Fla.), sponsor of the federal bill, in 1978 introduced Florida's computer crime bill when he was a state representative. It was the first such law enacted by any state and gave the prosecutor a specific statute for theft cases by defining computer information as property value. Meanwhile, other states since then have considered and sometimes passed computer crime legislation patterned after the federal bills.

Montana's new statute defines computer crime, makes it a new offense and provides for its inclusion in the state's

Criminal Code. The new law defines the word "computer" very broadly. "The bill tries to cover everything on the water-front," according to Lloyd Krumman of the Computer and Business Manufacturers' Association. While no model law exists, he said, the industry prefers more general definitions like those in the Florida and Georgia laws.

The new Georgia law also addresses the uniqueness of the scene and duration of computer crimes. Such crimes may take 3 milliseconds to commit, as well as to erase, and there may be no evidence at the scene of the crime. The law addresses the geographical problem by specifying the location of violation.



In Minnesota, the Senate version of the House bill approaches computer crime by incorporating computer terms into the statutes covering theft and aggravated criminal damage to property. The House version, whose chief sponsor is Representative Phyllis Kahn, makes computer crime a new offense by creating a new section in the criminal code relating to and defining computer use and abuse, and would create two new crimes. One, called "aggravated computer abuse," would carry penalties of up to 10 years in jail and a fine of up to \$50,000 for intentionally using a computer to defraud or to steal money, services or property, including checks, other financial information or computer software; or for damaging a computer system while using it without authorization. The other, lesser crime, called "computer abuse," would carry penalties of up to 90 days and \$500 for unauthorized use of a computer without intent to steal or defraud.

The House version covers a broad range of conduct and property and would carry a higher potential fine than the Senate version. The Senate version does not cover the theft of intangible items,

such as computer time, nor losses an employer might incur from disruption of computer services or costs of correcting misused information.

Supporters of computer crime legislation are warning of a more serious potential for crime and abuse as computer use increases. "As we move toward a financial system based on electronic fund transfer systems," Representative Nelson warns, "theft and sabotage of these systems could have a profound effect on the future economic well-being of every American."

Kaye Bache-Snyder

Sexual harassment: The overlooked problem

Sexual harassment is a very personal problem for many women and some men, but when it occurs within the workplace, it becomes a personnel problem with potential legal, economic and social costs. A significant number of states are taking action in this area by developing special mechanisms to deal with sexual harassment.

The term sexual harassment has come to describe a range of undesirable sexual behavior: some overt, some subtle, some physical, and some verbal. It may be a conscious act intended to gain power or to force compliance, or an unconscious act that grows out of ingrained sex roles. Sexual harassment may be a single encounter or a recurrent pattern. At times, it is a condition of employment; at other times, it is a pervasive and condoned condition of the work environment and a part of the organizational climate.

Several informal surveys have been conducted which reveal the pervasive and widespread nature of the problem. In May 1975, the Working Women's Institute in New York surveyed 155 women. Seventy percent reported that they had experienced sexual harassment at least once. Of these, the majority had ignored it only to find the behavior worsened with unwarranted reprimands, transfers and dismissals of the victims. The minority who complained through established channels found that no action was taken.

In another survey conducted in 1976 of 198 federal employees in the departments of Health, Education and Welfare, Justice and General Administration, 70 employees reported sexual harassment experiences. One-fourth had promotions withheld, some were transferred, fired, or looking for another job; and a few indicated sexual harassment took the form of rape or attempted rape. In both of

*Arizona, California, Colorado, Florida, Illinois, Michigan, North Carolina, New Mexico, Rhode Island and Utah enacted computer crime laws in 1979, and Georgia and Montana in 1981. Other bills in 1979 in Hawaii, Maryland, Missouri and Tennessee failed to pass.

COMPARISON OF PENALTIES
FOR SOME OFFENSES
UNDER AS 17.10 & 17.12 WITH H.B. 180

	DELIVERY OF HEROIN TO MINOR	DELIVERY OF COCAINE TO MINOR	DELIVERY OF HEROIN TO ADULT	DELIVERY OF COCAINE TO ADULT	POSSESSION OF HEROIN OR COCAINE AT SCHOOL	POSSESSION OF HEROIN OR COCAINE	DELIVERY OF MARIJUANA TO MINOR	DELIVERY OF MARIJUANA TO ADULT	POSSESSION OF MARIJUANA AT SCHOOL	POSSESSION OF MARIJUANA UNDER CERTAIN CIRCUM.
<p><u>UNDER PRESENT LAW, TITLE 17</u></p>	<p>1st: 10-30</p> <p>2nd: 15-30</p> <p>3rd: MANDATORY LIFE</p>	<p>1st: 10-30</p> <p>2nd: 15-30</p> <p>3rd: MANDATORY LIFE</p>	<p>1st: 2-10</p> <p>2nd: 10-20</p> <p>3rd: 20-40</p>	<p>1st: 2-10</p> <p>2nd: 10-20</p> <p>3rd: 20-40</p>	<p>NO SPECIAL TREATMENT IN PRESENT LAW</p>	<p>1st: 2-10</p> <p>2nd: 10-20</p> <p>3rd: 20-40</p>	<p>0-LIFE</p>	<p>1st: 0-25</p> <p>2nd: 0-LIFE</p> <p>NOTE: SAME PENALTIES WERE APPLIED TO POSSESSION OF MARJ. IN 17.12.110</p>	<p>NO SPECIAL TREATMENT IN PRESENT LAW</p>	<p>(1) Public Use Fine Only</p> <p>(2) Over 1 oz. Poss. in Publ. "</p> <p>(3) Possesses While Operating M.V. "</p> <p>(4) Minor Possesses any Amt. "</p> <p>(5) Adult Possesses less than 1 oz. in Publ. <u>Not Criminal</u></p>
<p><u>UNDER H.B. 180 under HB 180</u></p>	<p>UNCLASS. FEL 5-99</p> <p>NO PRESUMPTIVE TERM</p>	<p>A FELONY 0-20</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 10 YR. PRESUMPTIVE</p> <p>3rd: 15 YR. PRESUMPTIVE</p>	<p>A FELONY 0-20</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 10 YR. PRESUMPTIVE</p> <p>3rd: 15 YR. PRESUMPTIVE</p>	<p>B FELONY 0-10</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 4 YR. PRESUMPTIVE</p> <p>3rd: 6 YR. PRESUMPTIVE</p>	<p>B FELONY 0-10</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 4 YR. PRESUMPTIVE</p> <p>3rd: 6 YR. PRESUMPTIVE</p>	<p>C FELONY 0-5</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 2 YR. PRESUMPTIVE</p> <p>3rd: 3 YR. PRESUMPTIVE</p>	<p>B FELONY 0-10</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 4 YR. PRESUMPTIVE</p> <p>3rd: 6 YR. PRESUMPTIVE</p>	<p>C FELONY 0-5</p> <p>1st: NO PRESUMPTIVE TERM</p> <p>2nd: 2 YR. PRESUMPTIVE</p> <p>3rd: 3 YR. PRESUMPTIVE</p>	<p>C FELONY 0-5</p> <p>1st: NO PRESUMPTIVE TERM P</p> <p>2nd: 2 YR. PRESUMPTIVE</p> <p>3rd: 3 YR. PRESUMPTIVE</p>	<p>(1) Public Use B MISD.</p> <p>(2) Publ. Poss. Over 1 oz. "</p> <p>(3) Poss. While Oper. M.V. "</p> <p>(4) Minor Poss. Less than 1oz. "</p> <p>(5) Adult Poss. 4 oz. or more anywhere "</p> <p>(6) Anyone Poss. less than 1oz Violation in public (no jail)</p>

SOME HYPOTHETICALS COMPARING SENTENCING RANGES UNDER:

- (1) Present Law, AS 17.10;
- (2) Present Judicial Application Per
1980 Narcotic Offender Sentencing
Guidelines of Alaska Court System;
- (3) House Bill 180

DESCRIPTION OF CRIME AND CONVICT'S BACKGROUND	TITLE 17 RANGE	1980 JUDICIAL GUIDELINES APPLICATION OF AS 17.10	HOUSE BILL 180 RANGE
1. Possession of cocaine-1 ounce, No prior felonies, one prior misdemeanor, carrying concealed weapon, 1981	2-10 years	Probation-30 days	C Felony (0-5) no presumptive term
2. Possession of cocaine-4 ounces, one prior felony, sale of marijuana, 1978, one prior juvenile burglary, two misdemeanor convictions: (1) Assault & Battery; (1980) (2) Malicious destruction of private property (1978) (not counted since not three within last 5 years)	2-10 years	8-24 months	C Felony (0-5) 2 year presumptive term for one prior felony
3. Sale of cocaine, 12 grams, <u>On Parole</u> Three prior felonies: (1) sale of cocaine (1977); *(2) sale of marijuana (1976); (3) burglary of dwelling (1978) (not counted, as received suspended imposition of sentence) Two prior misdemeanors: (1) driving w/o owner's consent (1979); (2) D.W.I. (1980) (misdemeanors not counted in guidelines, as must be three or more w/in last 5 years)	10-20 years	1-3 years	B Felony (0-10) 6 yr. presumptive term, as 3rd felony conviction
4. Sale of cocaine to minor (1 gram); <u>On Parole</u> Four prior felonies: (1) sale of cocaine (1978) (2) sale of marijuana to minor (1977) (less than 60 days served, so not used under guidelines) (3) assault w/dangerous weapon (1976)(*4) armed robbery, 1974	15-30 years	2-18 months (no apparent special treatment for sale to minor in guidelines)	Unclassified felony 5-99, no presumptive term
5. Possession of cocaine, 4 ounces, One prior felony: (1) Possession of cocaine, 1978 (rec'd S.I.S. & off probation May 1981, so not counted in guidelines or as enhancement for a C Felony) Three Misdemeanors: (*1) D.W.I. 1975; (2) malicious destruction of property, 1978 (3) D.W.I., 1981 (misdemeanors not counted in guidelines as not 3 or more w/in 5 years)	10-20 years	Probation-30 days	C Felony (0-5) No presumptive term

DESCRIPTION OF CRIME AND CONVICT'S BACKGROUND	TITLE 17 RANGE	1980 JUDICIAL GUIDELINES APPLICATION OF AS 17.10	HOUSE BILL 180 RANGE
<p>6. Sale of cocaine - 1 gram or less, <u>On Parole</u> <u>Three prior felonies:</u> (1) Possession of heroin, 1978, incarcerated over 60 days; (*2) two burglaries, Not in A Dwelling, 1973 (pharmacies) (*3) Sale of cocaine & sale of marijuana 1970; <u>Three prior misdemeanors:</u> (1) D.W.I. 1978; (2) Assault & Battery, 1977; (*3) Possession of marijuana while operating motor vehicle, 1976 (Since No. 3 is over 5 years old, leaving total of <u>less than 3, not counted in guidelines.</u>)</p>	20-40 years	9-36 months	B Felony, 6 year presumptive term
<p>7. Sale of cocaine to minor - 1 gram <u>On Work Release From Imprisonment, Two</u> <u>Prior Felonies:</u> (1) Sale of heroin to minor, 1979; (2) Sale of cocaine to minor, 1975 (over 5 years, not counted in guidelines) <u>Three Prior Misdemeanors:</u> (1) Possession of marijuana while operating motor vehicle, 1979; (*2) Possession of marijuana while operating motor vehicle, 1979 (not counted as over 5 years);(*3) Assault & Battery, 1976 (Not counted as over 5 years) (Misdemeanors not counted as not over three w/in 5 years)</p>	LIFE IMPRISONMENT	1-3 years	Unclassified felony, 5-99, no presumptive term
<p>8. Possession of Heroin - 2 grams <u>Not on Parole, Three Prior Felonies:</u> (1) Possession of heroin, 1977; (*2) Possession of cocaine, 1974; (*3) Sale of marijuana, 1973 <u>Three Prior Misdemeanors:</u> (1) D.W.I., 1980; (2) Possession of marijuana while operating a motor vehicle, 1977; (*3) Carrying concealed weapon, 1976 (Misdemeanor not counted since not three w/in last 5 years)</p>	20-40 years	8-24 months	C Felony, three year presumptive term for 3rd felony (may be reduced to 0 or increased to 5 years)

*Misdemeanor, felony conviction or incarceration not counted in guidelines because over five years since that incarceration and this offense.

Introduced: 2/18/81
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 180

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act revising the drug laws and making amendments
7 to the criminal laws of the state; and providing for
8 an effective date."

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

10 * Section 1. DECLARATION OF LEGISLATIVE PURPOSE. (a) The purposes of
11 this Act are to consolidate and revise Alaska's drug laws so that they are
12 patterned after the Uniform Controlled Substances Act and the Federal Con-
13 trolled Substances Act of 1970 and to enact uniform penalty provisions in
14 conformity with the 1978 revision of Alaska's criminal code to effectively
15 combat illicit trafficking in controlled substances.

16 (b) Two distinct, but interrelated, concerns are addressed in this
17 Act. The first concern is the detrimental effect on public safety created
18 through illicit trafficking in and use of drugs. A second, equally important
19 concern, is the effect on public health created by the use and abuse of
20 drugs. It is the intent of the legislature that, in addressing public
21 safety concerns, uniform classification and penalty provisions be enacted
22 which adopt an approach reflecting law enforcement problems unique to Alaska.
23 It is also the intent of the legislature that in addressing public health
24 concerns, a statutory scheme be enacted which is patterned after federal law
25 and that the legitimate manufacture, distribution, prescription, and dis-
26 pensing of controlled substances be subject to a regulatory scheme regarding
27 registration, record keeping, order forms, and prescription requirements
28 that is identical to that provided under federal law.

29 * Sec. 2. AS 11 is amended by adding a new chapter to read:

1 CHAPTER 71. CONTROLLED SUBSTANCES.

2 ARTICLE 1. OFFENSES RELATING TO CONTROLLED SUBSTANCES.

3 Sec. 11.71.010. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
4 THE FIRST DEGREE. (a) Except as authorized in AS 17.30, a person
5 commits the crime of misconduct involving a controlled substance in the
6 first degree if he

7 (1) delivers any amount of a schedule IA controlled sub-
8 stance to a person under 19 years of age who is at least three years
9 younger than he; or

10 (2) engages in a continuing criminal enterprise.

11 (b) For purposes of this section, a person is engaged in a "con-
12 tinuing criminal enterprise" if

13 (1) he commits a violation of this chapter which is punish-
14 able as a felony; and

15 (2) that violation is a part of a continuing series of five
16 or more violations of this chapter

17 (A) which he undertakes in concert with at least five
18 other persons he organizes, supervises, or otherwise manages; and

19 (B) from which he obtains substantial income or re-
20 sources.

21 (c) Misconduct involving a controlled substance in the first
22 degree is an unclassified felony and is punishable as provided in
23 AS 12.55.

24 Sec. 11.71.020. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
25 THE SECOND DEGREE. (a) Except as authorized in AS 17.30, a person
26 commits the crime of misconduct involving a controlled substance in the
27 second degree if he

28 (1) manufactures or delivers any amount of a schedule IA
29 controlled substance or possesses any amount of a schedule IA con-

1 trolled substance with intent to manufacture or deliver; or

2 (2) delivers any amount of a schedule IIA or IIIA controlled
3 substance to a person under 19 years of age who is at least three years
4 younger than he.

5 (b) Misconduct involving a controlled substance in the second
6 degree is a class A felony.

7 Sec. 11.71.030. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
8 THE THIRD DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
9 person commits the crime of misconduct involving a controlled substance
10 in the third degree if he

11 (1) manufactures or delivers any amount of a schedule IIA or
12 IIIA controlled substance or possesses any amount of a schedule IIA or
13 IIIA controlled substance with intent to manufacture or deliver;

14 (2) delivers any amount of a schedule IVA, VA or VIA con-
15 trolled substance to a person under 19 years of age who is at least
16 three years younger than he; or

17 (3) being 18 years of age or older, possesses any amount of
18 a schedule IA or IIA controlled substance within the grounds of or on a
19 parking lot immediately adjacent to a public or private preschool,
20 elementary, junior high, or secondary school.

21 (b) It is an affirmative defense to a prosecution under (a)(3)
22 of this section that at the time of the possession the school was
23 closed to any organized activity involving persons under 18 years of
24 age. Nothing in this subsection precludes a prosecution under any
25 other provision of this section or any other section of this chapter.

26 (c) Misconduct involving a controlled substance in the third
27 degree is a class B felony.

28 Sec. 11.71.040. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
29 THE FOURTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35,

1 a person commits the crime of misconduct involving a controlled sub-
2 stance in the fourth degree if he

3 (1) manufactures or delivers any amount of a schedule IVA,
4 VA, or VIA controlled substance or possesses any amount of a schedule
5 IVA, VA, or VIA controlled substance with intent to manufacture or
6 deliver;

7 (2) possesses

8 (A) any amount of a schedule IA or IIA controlled sub-
9 stance;

10 (B) 25 or more tablets, ampules, or syrettes containing
11 a schedule IIIA or IVA controlled substance;

12 (C) one or more preparations, compounds, mixtures, or
13 substances of an aggregate weight of three grams or more contain-
14 ing a schedule IIIA or IVA controlled substance;

15 (D) 50 or more tablets, ampules, or syrettes containing
16 a schedule VA controlled substance;

17 (E) one or more preparations, compounds, mixtures, or
18 substances of an aggregate weight of six grams or more containing
19 a schedule VA controlled substance; or

20 (F) one or more preparations, compounds, mixtures, or
21 substances of an aggregate weight of one pound or more containing
22 a schedule VIA controlled substance;

23 (3) being 18 years of age or older, possesses a schedule
24 IIIA, IVA, VA, or VIA controlled substance within the grounds of or on
25 a parking lot immediately adjacent to a public or private preschool,
26 elementary, junior high, or secondary school;

27 (4) knowingly keeps or maintains any store, shop, warehouse,
28 dwelling, building, vehicle, boat, aircraft, or other structure or
29 place which is used for keeping or distributing controlled substances

1 in violation of this chapter or AS 17.30;

2 (5) makes, delivers, or possesses a punch, die, plate,
3 stone, or other thing which prints, imprints, or reproduces a trademark,
4 trade name, or other identifying mark, imprint, or device of another or
5 any likeness of any of these upon a drug, drug container, or labeling
6 so as to render the drug a counterfeit substance;

7 (6) knowingly uses in the course of the manufacture or dis-
8 tribution of a controlled substance a registration number which is
9 fictitious, revoked, suspended, or issued to another person;

10 (7) knowingly furnishes false or fraudulent information in
11 or omits material information from any application, report, record, or
12 other document required to be kept or filed under AS 17.30;

13 (8) obtains possession of a controlled substance by mis-
14 representation, fraud, forgery, deception or subterfuge; or

15 (9) affixes a false or forged label to a package or other
16 container containing any controlled substance.

17 (b) It is an affirmative defense to a prosecution under (a)(3) of
18 this section that at the time of the possession the school was closed
19 to any organized activity involving persons under 18 years of age.
20 Nothing in this subsection precludes a prosecution under any other pro-
21 vision of this section or any other section of this chapter.

22 (c) Nothing in (a)(4) or (5) of this section precludes a prosecu-
23 tion or civil proceeding brought under any other provision of this sec-
24 tion or any other section of this chapter or under AS 17.

25 (d) Misconduct involving a controlled substance in the fourth
26 degree is a class C felony.

27 Sec. 11,71.050. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
28 THE FIFTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
29 person commits the crime of misconduct involving a controlled substance

1 in the fifth degree if he

2 (1) possesses

3 (A) less than 25 tablets, ampules, or syrettes con-
4 taining a schedule IIIA or IVA controlled substance;

5 (B) one or more preparations, compounds, mixtures, or
6 substances of an aggregate weight of less than three grams con-
7 taining a schedule IIIA or IVA controlled substance;

8 (C) less than 50 tablets, ampules, or syrettes con-
9 taining a schedule VA controlled substance;

10 (D) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of less than six grams con-
12 taining a schedule VA controlled substance; or

13 (E) one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of one-half pound or more con-
15 taining a schedule VIA controlled substance; or

16 (2) fails to make, keep, or furnish any record, notification,
17 order form, statement, invoice, or information required under AS 17.30.

18 (b) Misconduct involving a controlled substance in the fifth
19 degree is a class A misdemeanor.

20 Sec. 11.71.060. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
21 THE SIXTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35, a
22 person commits the crime of misconduct involving a controlled substance
23 in the sixth degree if he

24 (1) uses or displays any amount of a schedule VIA controlled
25 substance or possesses one or more preparations, compounds, mixtures,
26 or substances of an aggregate weight of one ounce or more containing a
27 schedule VIA controlled substance on a public street or sidewalk or on
28 the premises of a public carrier or business establishment or in any
29 other public place;

1 (2) knowingly possesses any amount of a schedule VIA con-
2 trolled substance within his immediate control while operating a pro-
3 pelled vehicle;

4 (3) being under 19 years of age, possesses one or more
5 preparations, compounds, mixtures, or substances of an aggregate weight
6 of less than four ounces containing a schedule VIA controlled substance;

7 (4) possesses one or more preparations, compounds, mixtures,
8 or substances of an aggregate weight of four ounces or more containing
9 a schedule VIA controlled substance; or

10 (5) refuses entry into a premises for an inspection autho-
11 rized under AS 17.30.

12 (b) Misconduct involving a controlled substance in the sixth
13 degree is a class B misdemeanor.

14 Sec. 11.71.070. MISCONDUCT INVOLVING A CONTROLLED SUBSTANCE IN
15 THE SEVENTH DEGREE. (a) Except as authorized in AS 17.30 or AS 17.35,
16 a person commits the offense of misconduct involving a controlled
17 substance in the seventh degree if he possesses one or more prepara-
18 tions, compounds, mixtures, or substances of an aggregate weight of
19 less than one ounce containing a schedule VIA controlled substance on a
20 public street or sidewalk or on the premises of a public carrier or
21 business establishment or in any other public place.

22 (b) Misconduct involving a controlled substance in the seventh
23 degree is a violation.

24 ARTICLE 2. STANDARDS AND SCHEDULES.

25 Sec. 11.71.100. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)
26 The Controlled Substances Advisory Committee is established in the
27 Department of Law. The committee consists of

28 (1) the attorney general or his designee;

29 (2) the commissioner of health and social services or his

1 designee;

2 (3) the commissioner of public safety or his designee;

3 (4) the chairman of the Board of Pharmacy or his designee
4 who shall also be a member of the Board of Pharmacy;

5 (5) a peace officer appointed by the governor after consul-
6 tation with the Alaska Association of Chiefs of Police;

7 (6) a physician appointed by the governor;

8 (7) a psychiatrist appointed by the governor; and

9 (8) two individuals appointed by the governor.

10 (b) Members of the committee appointed under (a)(5) - (8) of this
11 section serve terms of four years. A member of the committee receives
12 no salary but is entitled to per diem and travel expenses authorized by
13 law for boards and commissions under AS 39.20.180.

14 (c) The attorney general is the chairman of the committee.

15 (d) The committee meets at the call of the attorney general.

16 (e) The committee may not meet less than twice a year.

17 (f) Five members of the committee constitute a quorum.

18 Sec. 11.71.110. DUTIES OF COMMITTEE. The committee shall

19 (1) determine the need to add substances to the schedules
20 set out in AS 11.71.140 - 11.71.190;

21 (2) advise the governor of the need to delete or reschedule
22 substances in the schedules in AS 11.71.110 - 11.71.190;

23 (3) recommend regulations for adoption by the Board of
24 Pharmacy to prevent excessive prescription of controlled substances and
25 the diversion of prescription drugs into illicit channels;

26 (4) evaluate the effectiveness of programs in the state
27 providing treatment and counseling for persons who abuse controlled
28 substances;

29 (5) recommend programs to the Alaska Court System to be in-

1 stituted as alternatives to the prosecution or imprisonment of offenders
2 who have no prior criminal record involving controlled substance of-
3 fenses and who are charged with crimes involving controlled substances;

4 (6) review and evaluate enforcement policies and practices
5 of the Department of Public Safety and the Department of Law with
6 regard to crimes involving controlled substances, and recommend modifi-
7 cations of those policies and practices consistent with the committee's
8 assessment of the probable danger of particular controlled substances;
9 and

10 (7) review budget requests and recommend amounts for appro-
11 priations to the governor and the legislature for departments and
12 agencies responsible for

13 (A) enforcing criminal laws pertaining to controlled
14 substances;

15 (B) providing treatment and counseling of persons who
16 abuse controlled substances; and

17 (C) regulating the legitimate handling of controlled
18 substances.

19 Sec. 11.71.120. AUTHORITY TO SCHEDULE CONTROLLED SUBSTANCES. (a)
20 If, after considering the factors set out in (c) of this section, the
21 committee finds that a substance should be added to a schedule of
22 controlled substances under AS 11.71.140 - 11.71.190, the attorney
23 general shall adopt a regulation under the Administrative Procedure Act
24 (AS 44.62) in accordance with the committee's findings. The committee
25 shall prescribe the effective date of a regulation adopted under this
26 section. This date may not be earlier than the 60th day of the next
27 regular session of the legislature following adoption of the regulation.
28 Within 10 days after the convening of a regular session of the legisla-
29 ture, the committee shall submit to the legislature a regulation adopted

1 under this section which has not taken effect and shall submit findings
2 of fact and other information which it considers appropriate. If the
3 legislature annuls a regulation adopted under this section by statute,
4 the regulation may not be readopted within three years after the annul-
5 ment.

6 (b) If a substance is added as a controlled substance under
7 federal law and notice of the addition is given to the attorney general,
8 the committee shall give notice under AS 44.62.190 of proposed adoption
9 of a regulation making a corresponding change in the Alaska schedules
10 and shall hold a hearing under AS 44.62.210. The committee shall
11 submit the regulation to the legislature as provided in (a) of this
12 section. If the committee decides not to adopt the regulation, it
13 shall file with the lieutenant governor a notice of that decision along
14 with findings of fact.

15 (c) In making a determination regarding the addition of a sub-
16 stance under (a) of this section, or in advising the governor of the
17 need to delete or reschedule a substance, under AS 11.71.110(2), the
18 committee shall assess the danger or probable danger of the substance
19 after considering the following:

20 (1) the actual or probable abuse of the substance including:

21 (A) the history and current pattern of abuse both in
22 this state and in other states;

23 (B) the scope, duration, and significance of abuse;

24 (C) the degree of actual or probable detriment which
25 may result from abuse of the substance;

26 (D) the probable physical and social impact of wide-
27 spread abuse of the substance;

28 (2) the biomedical hazard of the substance including

29 (A) its pharmacology, the effects and modifiers of the

1 effects of the substance;

2 (B) its toxicology, the acute and chronic toxicity,
3 interaction with other substances, whether controlled or not, and
4 the degree to which it may cause psychological or physiological
5 dependence;

6 (C) the risk to public health and the particular sus-
7 ceptibility of segments of the population;

8 (3) whether the substance is an immediate precursor of a
9 substance already controlled under this chapter;

10 (4) the current state of scientific knowledge regarding the
11 substance, including whether there is any acceptable means to safely
12 use the substance under medical supervision;

13 (5) the relationship between the use of the substance and
14 other criminal activity, including

15 (A) whether persons engaged in illicit trafficking of
16 the substance are also engaged in other criminal activity;

17 (B) whether the nature and relative profitability of
18 manufacturing or delivering the substance encourages illicit
19 trafficking in the substance;

20 (C) whether the commission of other crimes is one of
21 the effects of abuse of the substance;

22 (D) whether addiction to the substance relates to the
23 commission of crimes to support the continued use of the substance.

24 (d) If the committee designates a substance as an immediate
25 precursor of a controlled substance, a precursor of that immediate
26 precursor is not subject to control solely because it is a precursor of
27 the immediate precursor.

28 (e) The committee has no authority over tobacco or intoxicating
29 liquor as defined in AS 04.20.010.

1 Sec. 11.71.130. NOMENCLATURE. Controlled substances are listed
2 in the schedules in AS 11.71.140 - 11.71.190 by official, common,
3 usual, chemical, or trade designation and by slang terms if applicable.
4 In a prosecution or other proceeding under this chapter, it is not a
5 defense and it is immaterial that a slang term is listed after more
6 than one controlled substance, that a slang term listed after a con-
7 trolled substance is inaccurately applied to that controlled substance,
8 that no slang term is listed after a controlled substance, or that
9 slang terms other than those listed may apply to a controlled substance.
10 The use of a slang term is not required in a complaint, indictment, or
11 information charging a violation of this chapter, and the failure to
12 specify a slang term, or the use of an improper slang term in a com-
13 plaint, indictment, or information is not grounds for dismissal of the
14 charging document, or for an instruction directing an acquittal of the
15 charge.

16 Sec. 11.71.140. SCHEDULE IA. (a) A substance shall be placed in
17 schedule IA if it is found under AS 11.71.120(c) to have the highest
18 degree of danger or probable danger to a person or the public.

19 (b) Substances, vegetable origin or chemical synthesis. Schedule
20 IA includes, unless specifically excepted or listed in another schedule,
21 any of the following substances whether produced directly or indirectly
22 by extraction from substances of vegetable origin, or independently by
23 means of chemical synthesis, or by a combination of extraction and
24 chemical synthesis:

25 (1) opium and opiate, and any salt, compound, derivative, or
26 preparation of opium or opiate, excluding apomorphine, dextrorphan,
27 nalbuphine, naloxone, and naltrexone, and their respective salts, but
28 including the following:

29 (A) raw opium (~~slang terms: op, pan-yan, hop, tar,~~

1 ~~black stuff~~);

2 (B) opium extracts;

3 (C) opium fluid extracts;

4 (D) powdered opium;

5 (E) granulated opium;

6 (F) tincture of opium;

7 (G) codeine (slang term: school boy);

8 (H) ethylmorphine;

9 (I) etorphine hydrochloride;

10 (J) hydrocodone;

11 (K) hydromorphone;

12 (L) metopon;

13 (M) morphine (~~slang terms: cube, first line, hocus,~~

14 ~~Emma, morph, morpho, mud, white stuff, hard stuff, M, unkie~~);

15 (N) oxycodone;

16 (O) oxymorphone;

17 (P) thebaine;

18 (2) any salt, compound, derivative, or preparation of a
19 substance included in (b)(1) of this section which is chemically equiva-
20 lent or identical to any of the substances referred to in (b)(1) of
21 this section; however, these substances do not include the isoquinoline
22 alkaloids of opium;

23 (3) opium poppy and poppy straw;

24 (4) concentrate of poppy straw which is the crude extract of
25 poppy straw in either liquid, solid, or powder form which contains the
26 phennanthrine alkaloids of the opium poppy.

27 (c) Opiates. Schedule IA includes, unless specifically excepted
28 or unless listed in another schedule, any of the following opiates,
29 including their isomers, esters, ethers, salts, and salts of isomers,

1 esters, and ethers, whenever the existence of these isomers, esters,
2 ethers, and salts is possible within the specific chemical designation,
3 dextrorphan excepted:

- 4 (1) acetylmethadol;
- 5 (2) allylprodine;
- 6 (3) alphacetylmethadol;
- 7 (4) alphameprodine;
- 8 (5) alphamethadol;
- 9 (6) alphaprodine;
- 10 (7) anileridine;
- 11 (8) benzethidine;
- 12 (9) betacetylmethadol;
- 13 (10) betameprodine;
- 14 (11) betamethadol;
- 15 (12) betaprodine;
- 16 (13) bezitramide;
- 17 (14) clonitazene;
- 18 (15) dextromoramide;
- 19 (16) diampramide;
- 20 (17) diethylthiambutene;
- 21 (18) difenoxin;
- 22 (19) dihydrocodeine;
- 23 (20) dimenoxadol;
- 24 (21) dimepheptanol;
- 25 (22) dimethylthiambutene;
- 26 (23) dioxaphetyl butyrate;
- 27 (24) diphenoxylate;
- 28 (25) dipipanone;
- 29 (26) ethylmethylthiambutene;

- 1 (27) etonitazene;
- 2 (28) etoxeridine;
- 3 (29) fentanyl;
- 4 (30) furethidine;
- 5 (31) hydroxpethidine;
- 6 (32) isomethadone;
- 7 (33) ketobemidone;
- 8 (34) levomethorphan;
- 9 (35) levomoramide;
- 10 (36) levorphanol;
- 11 (37) levophenacymorphan;
- 12 (38) Meperidine, also known as pethidine
- 13 (39) (38) metazocine;
- 14 (40) (39) methadone;
- 15 (41) (40) methadone-intermediate, 4-cyano-2-dimethylamino
4-diphenyl butane;
- 16 (42) (41) moramide-intermediate, 2-methyl-3-morpholino-1,
1-diphenylpropane-carboxylic acid;
- 17 (43) (42) morpheridine;
- 18 (44) (43) noracymethadol;
- 19 (45) (44) norlevorphanol;
- 20 (46) (45) normethadone;
- 21 (47) (46) norpipanone;
- 22 (48) (47) pethidine, also known as meperidine;
- 23 (49) (48) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenyl-
24 piperidine;
- 25 (50) (49) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
26 carboxylate;
- 27 (51) (50) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
28 carboxylic acid;
- 29

- 1 (52) ~~(51)~~ phenadoxone;
2 (53) ~~(52)~~ phenampromide;
3 (54) ~~(53)~~ phenazocine;
4 (55) ~~(54)~~ phenomorphan;
5 (56) ~~(55)~~ phenoperidine;
6 (57) ~~(56)~~ piminodine;
7 (58) ~~(57)~~ piritramide;
8 (59) ~~(58)~~ propheptazine;
9 (60) ~~(59)~~ properidine;
10 (61) ~~(60)~~ propiram;
11 (62) ~~(61)~~ racemethorphan;
12 (63) ~~(62)~~ racemoramide;
13 (64) ~~(63)~~ racemorphan;
14 (65) ~~(64)~~ trimeperidine.

15 (d) Opium derivatives. Schedule IA includes, unless specifically
16 excepted or unless listed in another schedule, any of the following
17 opium derivatives, their salts, isomers, and salts of isomers whenever
18 the existence of these salts, isomers, and salts of isomers is possible
19 within the specific chemical designation:

- 20 (1) acetorphine;
21 (2) acetyldihydrocodeine;
22 (3) benzylmorphine;
23 (4) codeine methylbromide;
24 (5) codeine-n-oxide;
25 (6) cyprenorphine;
26 (7) desomorphine;
27 (8) dihydromorphine;
28 (9) drotebanol;
29 (10) etorphine, except hydrochloride salt;

1 (11) heroin (~~slang terms, big H, boy, brown, brown sugar,~~

2 ~~caballa, Chinese sea, China, crap, dooju, H, Hays, Hays,~~

3 ~~Mexican mud, powder, sagg, smoky, stuff, thing, soy powder, white~~

4 ~~stuff, sugar, hairy, skag, schmuck);~~

5 (12) hydromorphinol;

6 (13) methyldesorphine;

7 (14) methyldihydromorphine;

8 (15) morphine methylbromide;

9 (16) morphine methylsulfonate;

10 (17) morphine-n-oxide;

11 (18) myrophine;

12 (19) nicocodeine;

13 (20) nicomorphine;

14 (21) normorphine;

15 (22) pholcodine;

16 (23) thebacon.

17 Sec. 11.71.150. SCHEDULE IIA. (a) A substance shall be placed
18 in schedule IIA if it is found under AS 11.71.120(c) to have a degree
19 of danger or probable danger to a person or the public which is less
20 than substances listed in schedule IA, but higher than substances
21 listed in schedule IIIA.

22 (b) Hallucinogens. Schedule IIA includes, unless specifically
23 excepted or unless listed in another schedule, any material, compound,
24 mixture, or preparation which contains any quantity of the following
25 hallucinogenic substances, or which contains any of its salts, isomers,
26 whether optical, position, or geometric, or salts of isomers whenever
27 the existence of these salts, isomers, or salts of isomers is possible
28 within the specific chemical designation:

29 (1) 4-bromo-2, 5-dimethoxy-amphetamine, also known as

1 4-bromo-2,5-dimethoxy-a-methylphenethylamine and 4-bromo-2, DMA;

2 (2) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-
3 a-methylphenethylamine and 2,5-DMA;

4 (3) 4-methoxyamphetamine, also known as 4-methoxy-a-methyl-
5 phenethylamine and paramethoxyamphetamine, PMA;

6 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;

7 (5) 4-methyl-2,5-dimethoxy-amphetamine, also known as
8 4-methyl-2,5 - dimethoxy-a-methylphenethylamine (slang terms: DOM, MDA,
9 STP, serenity, tranquility, and peace, cone drug);

10 (6) 3,4-methylenedioxy amphetamine;

11 (7) 3,4,5-trimethoxy amphetamine;

12 (8) bufotenine, also known as 3-(B-dimethylaminoethyl)-5-
13 hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N, N-dimethylsero-
14 tonin; 5-hydroxy-N, N-dimethyltryptamine, and mappine;

15 (9) diethyltryptamine, also known as N,N-diethyltryptamine
16 and DET;

17 (10) dimethyltryptamine, also known as DMT (slang terms:
18 businessman's special, lunch-hour trip);

19 (11) ibogaine, also known as 7-ethyl-6, 6B, 7, 8, 9, 10, 12,
20 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido [1',2': 1, 2] azepino [5,
21 4-b] indole and tabernanthe iboga;

22 (12) lysergic acid diethylamide, also known as LSD (slang
23 terms: ~~Alice B, acid, beast, big B, blue cheer, blue heaven, blue~~
24 ~~mist, brown dots, California sunshine, chocolate chips, coffee, contact~~
25 ~~lens, cupcakes, haz, mellow yellows, mescalate, orange mushrooms,~~
26 ~~orange wedges, Owlsey, paper acid, royal blue, strawberry fields,~~
27 ~~sugar, sunshine, the hawk, wedges, white lightning, window pane,~~
28 ~~yellows, cubes, 25, Lucy in the sky with diamonds);~~

29 (13) mescaline (slang terms: ~~meco, mescal, moon);~~

1 (14) n-ethyl-3-piperidyl benzilate;

2 (15) n-methyl-3-piperidyl benzilate (~~slang term: [REDACTED]~~)

3 (16) peyote (~~slang terms: buttons, cactus, mescal buttons,~~
4 ~~mescal, mescal plants~~);

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

6 (A) ethylamine analog, also known by some trade or
7 other names as follows: N-ethyl-1-phenylcyclohexylamine (1-phenyl-
8 cyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclo-
9 hexamine, PCE;

10 (B) pyrrolidine analog, also known by some trade or
11 other names as follows: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPY,
12 PHP;

13 (C) thiophene analog, also known as 1-[1-(2-thienyl)
14 cyclohexyl] piperidine and 2-thienylanalog of phencyclidine, TCP, and TCP;

15
16 (18) psilocybin (~~slang terms: magic mushroom, mushroom~~);

17 (19) psilocyn (~~slang terms: magic mushroom, mushroom~~).

18 (c) Cocaine and coca leaves. Schedule IIA includes cocaine or
19 coca leaves, and any salt, compound, derivative, mixture, isomer,
20 ester, ether, or preparation of cocaine or coca leaves produced direct-
21 ly or indirectly by extraction from coca leaves, or independently by
22 means of chemical synthesis, or by a combination of extraction and
23 chemical synthesis, including the isomers, salts, and salts of isomers
24 of cocaine and other derivatives of coca leaves whenever the existence
25 of these esters, ethers, isomers or salts is possible, but does not
26 include decocainized coca leaves or extractions of coca leaves which do
27 not contain cocaine or ecgonine (~~slang terms: Bernice, bernies, big C,~~
28 ~~blow, C, coke, dream, flake, girl, gold dust, heaven dust, nose candy,~~
29 ~~paradise, rock, white, happy dust, speedballs, snow birds, Cecil,~~

1 ~~stardust, Corine, Carrie, dust, Burese).~~

2 (d) Depressants. Schedule IIA includes, unless specifically
3 excepted or unless listed in another schedule, any material, compound,
4 mixture, or preparation which contains any quantity of the following
5 substances having a depressant effect on the central nervous system,
6 including their salts, isomers, and salts of isomers whenever the
7 existence of these salts, isomers, and salts of isomers is possible
8 within the specific chemical designation:

9 (1) amobarbital (~~slang terms: barbs, block busters, Christ-~~
10 ~~mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,~~
11 ~~goofballs, goofs, tuinal, tuies, rainbow, double trouble, reds and~~
12 ~~blues);~~

13 (2) mandrix or mandrax;

14 (3) mecloqualone;

15 (4) methaqualone (~~slang terms: ludes, quas, quads, soapers,~~
16 ~~sopes);~~

17 (5) pentobarbital (~~slang terms: barbs, block busters,~~
18 ~~Christmas trees, downers, green dragons, peanuts, sleeping pills,~~
19 ~~stumblers, goofballs, goofs, yellow jackets, yellows, nimby's, nimbies,~~
20 ~~nobbies);~~

21 (6) phencyclidine, also known as PCP (~~slang terms: angel~~
22 ~~dust, DOA (Dead on Arrival), hog, killer wood (when combined with~~
23 ~~marijuana or other plant material), peace pill);~~

24 (7) secobarbital (~~slang terms: barbs, block busters, Christ-~~
25 ~~mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,~~
26 ~~goofballs, goofs, tuinal, tuies, rainbow, double trouble, reds and~~
27 ~~blues, red birds, red devils, eecy, pink, soggy, pink ladies, marsh-~~
28 ~~mallow reds, Mexican reds).~~

29 (e) Stimulants. Schedule IIA includes, unless specifically

1 excepted or unless listed in another schedule, any material, compound,
2 mixture, or preparation which contains any quantity of the following
3 substances having a stimulant effect on the nervous system:

4 (1) amphetamine, its salts, optical isomers, and salts of
5 its optical isomers (~~slang terms. beans, bennies, black beauties,~~
6 ~~blackbirds, black Mollies, bumblebees, cartwools, chalk, chicken powder,~~
7 ~~copilots, crank, crossroads, crystal, dexies, double cross, eye openers,~~
8 ~~hearts, jelly beans, lightning, meth, minibennies, nuggets, oranges,~~
9 ~~pop pills, speed, roses, thrusters, truck drivers, turnabouts, uppers,~~
10 ~~ups, wake ups, peaches, whites, browns, greenies, bombido, jugs,~~
11 ~~bottles, lid proppers, football, coast to coast, L.A. turnabouts~~);

12 (2) methamphetamine, its salts, isomers, and salts of its
13 isomers (~~slang terms. bombido, crystal, meth, speed, splash~~);

14 (3) methlyphenidate;

15 (4) phenmetrazine and its salts.

16 (f) Immediate Precursors. Schedule IIA includes, unless specifi-
17 cally excepted or unless listed in another schedule, any material,
18 mixture, or preparation which contains any quantity of the following
19 substances:

20 (1) immediate precursor to amphetamine and methamphetamine:
21 phenylacetone, also known as phenyl-2-propanone; P2P; benzyl methyl
22 ketone; methyl benzyl ketone;

23 (2) immediate precursors to phencyclidine, also known as:
24 PCP:

25 (A) 1-phencylclohexylamine;

26 (B) 1-piperidinocyclohexanecarbonitrile, also known as

27 PCC.

28 Sec. 11.71.160. SCHEDULE IIIA. (a) A substance shall be placed
29 in schedule IIIA if it is found under AS 11.71.120(c) to have a degree

1 of danger or probable danger to a person or the public less than the
2 substances listed in schedule IIA but higher than substances listed in
3 schedule IVA.

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

- 12 (1) benzphetamine;
- 13 (2) chlorphentermine;
- 14 (3) clortermine;
- 15 (4) mazindol;
- 16 (5) phendimetrazine;

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

24 (c) Depressants. Schedule IIIA includes unless specifically
25 excepted or unless listed in another schedule, any material, compound,
26 mixture, or preparation which contains any quantity of the following
27 substances having a depressant effect on the central nervous system:

- 28 (1) amobarbital, secobarbital, or pentobarbital or any salt
29 of these substances, combined with one or more other active medicinal

1 ingredients which are not listed in any other schedule;

2 (2) amobarbital, secobarbital, or pentobarbital or any salt
3 of these substances, approved by the federal Food and Drug Administra-
4 tion for marketing only as a suppository;

5 (3) any substance which contains any quantity of a deri-
6 vative of barbituric acid or any salt of barbituric acid;

7 (4) chlorhexadol;

8 (5) glutethimide (slang terms: C.D., cibas);

9 (6) lysergic acid;

10 (7) lysergic acid amide;

11 (8) methyprylon;

12 (9) sulfondiethylmethane;

13 (10) ulfonethylmethane;

14 (11) sulfonmethane.

15 (d) Nalorphine. Schedule IIIA includes nalorphine.

16 (e) Narcotics. Schedule IIIA includes, unless specifically
17 excepted or unless listed in another schedule, any material, compound,
18 mixture, or preparation containing any of the following narcotic drugs
19 or their salts calculated as the free anhydrous base or alkaloid, in
20 the following quantities:

21 (1) not more than 1.8 grams of codeine per 100 milliliters
22 or not more than 90 milligrams per dosage unit, with an equal or greater
23 quantity of an isoquinoline alkaloid of opium;

24 (2) not more than 1.8 grams of codeine per 100 milliliters
25 or not more than 90 milligrams per dosage unit, with one or more active,
26 nonnarcotic ingredients in recognized therapeutic amounts;

27 (3) not more than 300 milligrams of dihydrocodeinone per 100
28 milliliters or not more than 15 milligrams per dosage unit, with a
29 fourfold or greater quantity of an isoquinoline alkaloid of opium,

1 (4) not more than 300 milligrams of dihydrocodeinone per 100
2 milliliters or not more than 15 milligrams per dosage unit, with one or
3 more active nonnarcotic ingredients in recognized therapeutic amounts;

4 (5) not more than 1.8 grams of dihydrocodeine per 100 milli-
5 liters or not more than 90 milligrams per dosage unit, with one or more
6 active nonnarcotic ingredients in recognized therapeutic amounts;

7 (6) not more than 300 milligrams of ethylmorphine per 100
8 milliliters or not more than 15 milligrams per dosage unit, with one or
9 more active, nonnarcotic ingredients in recognized therapeutic amounts;

10 (7) not more than 500 milligrams of opium per 100 milli-
11 liters or per 100 grams or not more than 25 milligrams per dosage unit,
12 with one or more active, nonnarcotic ingredients in recognized thera-
13 peutic amounts;

14 (8) not more than 50 milligrams of morphine per 100 milli-
15 liters or per 100 grams, with one or more active, nonnarcotic ingredi-
16 ents in recognized therapeutic amounts.

17 (f) Hallucinogens. Schedule IIIA includes

18 (1) hashish;

19 (2) hash oil or hashish oil; and

20 (3) tetrahydrocannabinols (~~slang terms: black Russian, hash,~~
21 ~~Kif, quarter moon, coles~~).

22 Sec. 11.71.170. SCHEDULE IVA. (a) A substance shall be placed
23 in schedule IVA if it is found under AS 11.71.120(c) to have a degree
24 of danger or probable danger to a person or the public which is less
25 than the substances listed in schedule IIIA, but higher than the sub-
26 stances listed in schedule VA.

27 (b) Depressants. Schedule IVA includes, unless specifically
28 excepted or unless listed in another schedule, any material, compound,
29 mixture, or preparation which contains any quantity of the following

1 substances, including their salts, isomers and salts of isomers when-
2 ever the existence of these salts, isomers, and salts of isomers is
3 possible within the specific chemical designation:

- 4 (1) barbital;
- 5 (2) chloral betaine;
- 6 (3) cloral hydrate (~~along terms: Knockout drops, Mickey~~
7 ~~Finn, Mickey, Peter~~);
- 8 (4) chlordiazepoxide;
- 9 (5) clonazepam;
- 10 (6) clorazepate;
- 11 (7) diazepam;
- 12 (8) ethchlorvynol;
- 13 (9) ethinamate;
- 14 (10) flurazepam;
- 15 (11) lorazepam;
- 16 (12) mebutamate;
- 17 (13) meprobamate;
- 18 (14) methohexital;
- 19 (15) methylphenobarbital, also known as mephobarbital;
- 20 (16) oxazepam;
- 21 (17) paraldehyde;
- 22 (18) petrichloral;
- 23 (19) phenobarbital;
- 24 (20) prazepam.

25 (c) Fenfluramine. Schedule IVA includes any material, compound,
26 mixture or preparation which contains any quantity of the following
27 substances, including their salts, isomers whether optical, position,
28 or geometric, and salts of these isomers, whenever the existence of
29 these salts, isomers, and salts of isomers is possible: fenfluramine.

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

- 9 (1) diethylpropion;
10 (2) phentermine;
11 (3) pemoline, including organometallic complexes and chelates
12 of this substance.

13 (e) Narcotics. Schedule IVA includes, unless specifically ex-
14 cepted or unless listed in another schedule, any material, compound,
15 mixture, or preparation containing not more than 1 milligram of di-
16 fenoxin and not less than 25 micrograms of atropine sulfate per dosage
17 unit, or their salts calculated as the free anhydrous base or alkaloid.

18 (f) Other substances. Schedule IVA includes, unless specifically
19 excepted or unless listed in another schedule, any material, compound,
20 mixture or preparation which contains any quantity of the following
21 substances, including their salts:

22 (1) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
23 diphenyl-3-methyl-2-propionoxybutane); *also, known as propoxyphene*

24 (2) pentazocine.

25 (3) *propoxyphene also known as dextropropoxyphene*

26 Sec. 11.71.180. SCHEDULE VA. (a) A substance shall be placed in
27 schedule VA if it is found under AS 11.71.120(c) to have a degree of
28 danger or probable danger to a person or the public which is less than
29 substances listed in schedule IVA, but higher than substances listed in
30 schedule VIA.

1 (b) Narcotics. Schedule VA includes any compound, mixture, or
2 preparation containing any of the following limited quantities of
3 narcotic drugs or their salts, calculated as the free anhydrous base or
4 alkaloid, in limited quantities as specified in (1) - (6) of this sub-
5 section, which includes one or more nonnarcotic active medicinal ingre-
6 dients in sufficient proportion to confer upon the compound; mixture,
7 or preparation valuable medicinal qualities other than those possessed
8 by schedule IA substances alone:

9 (1) not more than 200 milligrams of codeine per 100 milli-
10 liters or per 100 grams;

11 (2) not more than 100 milligrams of dihydrocodeine per 100
12 milliliters or per 100 grams;

13 (3) not more than 100 milligrams of ethylmorphine per 100
14 milliliters or per 100 grams;

15 (4) not more than 2.5 milligrams of diphenoxylate and not
16 less than 25 micrograms of atropine sulfate per dosage unit;

17 (5) not more than 100 milligrams of opium per 100 milli-
18 liters or per 100 grams;

19 (6) not more than 0.5 milligrams of difenoxin and not less
20 than 25 micrograms of atropine sulfate per dosage unit.

21 (c) Loperamide. Schedule VA includes loperamide.

22 Sec. 11.71.190. SCHEDULE VIA. (a) A substance shall be placed
23 in Schedule VIA if it is found under AS 11.71.120(c) to have the lowest
24 degree of danger or probable danger to a person or the public.

25 (b) Marijuana. Schedule VIA controlled substances include mari-
26 juana (slang terms: ~~Acapulco gold, broccoli, bush, dry high, gage,~~
27 ~~ganga, grass, griffe, hay, hemp, herb, J, Jay, Jane, Mary Jane, mot,~~
28 ~~mulali, Panama red, pad, pot, reefer, sativa, smoke, stick, tea, weed,~~
29 ~~stuff, rope, joints, Texas tea, goof butt, jive, sweet lunch, stinkweed,~~

1 ~~locoweed, moss, Mary Wamer, Indian hay, fu, bobo bush).~~

2 Sec. 11.71.195. EXEMPTED DRUGS. A substance the manufacture,
3 distribution, dispensing, or possession of which is explicitly exempt
4 from criminal penalty under federal law is exempt from the application
5 of this chapter and AS 17.30. This exemption includes any substances
6 which may, under the federal Food, Drug, and Cosmetic Act (21 U.S.C.
7 sec. 301 et seq.) be lawfully sold over the counter without a prescrip-
8 tion. This exemption also includes those substances listed in 21
9 C.F.R. sec. 1308.22 on April 1, 1980.

10 ARTICLE 3. MISCELLANEOUS PROVISIONS.

11 Sec. 11.71.300. PENALTIES UNDER OTHER LAWS. A penalty imposed
12 for violation of this chapter is in addition to, and not in place of,
13 any other civil or administrative penalty or sanction otherwise autho-
14 rized by law.

15 Sec. 11.71.310. BAR TO PROSECUTION. If a violation of this
16 chapter is a violation of a federal law or the law of another state, a
17 conviction or acquittal under federal law or the law of another state
18 for the same act is a bar to prosecution in this state.

19 Sec. 11.71.320. DEFENSES EXEMPTED. (a) In a prosecution for the
20 possession of a controlled substance under this chapter, it is not a
21 defense that the substance was possessed in less than a useable quan-
22 tity. It is sufficient to support a conviction that there is a suf-
23 ficient quantity of the substance to permit proper identification.

24 (b) In a prosecution for an offense involving a controlled sub-
25 stance under this chapter, it is not a defense that the substance is
26 misclassified under a subsection within a schedule.

27 Sec. 11.71.330. LIABILITY OF PUBLIC SERVANTS. No liability is
28 imposed by this chapter upon a public servant acting within the scope
29 and authority of his employment.

1 Sec. 11.71.340. OFFENSES DEFINED BY AMOUNTS. Whenever a pro-
2 vision of this chapter defining an offense requires a determination of
3 an amount, it is not a defense to the lowest class of offense estab-
4 lished by the evidence that the amount in question was equal to or
5 larger than the amount which would make the offense a higher class of
6 offense, and a person may be charged and convicted accordingly.

7 Sec. 11.71.350. BURDEN OF PROOF. It is not necessary for the
8 state to negate an exemption or exception provided for in this chapter
9 in a complaint, information, indictment, or other pleading or at a
10 trial, hearing, or other proceeding under this chapter or AS 17.30.
11 The defendant has the burden of proving by a preponderance of the
12 evidence any exemption or exception claimed by him.

13 Sec. 11.71.360. UNPRIVILEGED COMMUNICATIONS. Information commu-
14 nicated to a physician or other licensed practitioner in an effort to
15 unlawfully procure a controlled substance or to unlawfully procure the
16 administration of a controlled substance is not a privileged communi-
17 cation.

18 ARTICLE 4. DEFINITIONS.

19 Sec. 11.71.900. DEFINITIONS. In this chapter, unless the context
20 clearly requires otherwise,

21 (1) "administer" means the direct application of a con-
22 trolled substance, whether by injection, inhalation, ingestion, or any
23 other means into the body of a patient or research subject by

24 (A) a practitioner or, in the practitioner's presence,
25 by his authorized agent; or

26 (B) the patient or research subject at the direction
27 and in the presence of a practitioner;

28 (2) "agent" means an authorized person who acts on behalf of
29 or at the direction of a manufacturer, distributor, or dispenser, but

1 does not include a common or contract carrier, public warehouseman, or
2 employee of the carrier or warehouseman;

3 (3) "committee" means the Controlled Substances Advisory
4 Committee established in AS 11.71.100;

5 (4) "controlled substance" means a drug, substance, or im-
6 mediate precursor included in the schedules set out in AS 11.71.140 -
7 11.71.190;

8 (5) "counterfeit substance" means a controlled substance
9 which, without authorization, bears the trademark, trade name, or other
10 identifying mark, imprint, number, or device of a manufacturer, distri-
11 butor, or dispenser other than the person or persons who in fact manu-
12 factured, distributed, or dispensed the substance and which falsely
13 purports or is represented to be the product of, or to have been distri-
14 buted by, the other manufacturer, distributor, or dispenser;

15 (6) "deliver" or "delivery" means the actual, constructive,
16 or attempted transfer from one person to another of a controlled sub-
17 stance whether or not there is an agency relationship;

18 (7) "dispense" means to deliver a controlled substance to an
19 ultimate user or research subject by or under the lawful order of a
20 practitioner, including the prescribing, administering, packaging, la-
21 beling, or compounding necessary to prepare the substance for that de-
22 livery; "dispenser" means a practitioner who dispenses;

23 (8) "distribute" means to deliver other than by administer-
24 ing or dispensing a controlled substance, whether or not there is any
25 money or other item of value exchanged; it includes sale, gift, or
26 exchange; "distributor" means a person who distributes;

27 (9) "drug"

28 (A) means

29 (i) a substance recognized as a drug in the offi-

1 cial United States Pharmacopoeia, official Homeopathic Pharma-
2 copoeia of the United States, or official National Formulary,
3 or any supplement to these publications;

4 (ii) a substance intended for use in the diagnosis,
5 cure, mitigation, treatment, or prevention of disease in
6 humans or animals;

7 (iii) a substance, other than food, intended to
8 affect the structure or any function of the body of humans or
9 animals; and

10 (iv) a substance intended for use as a component of
11 any article specified in (i), (ii), or (iii) of this sub-
12 paragraph;

13 (B) does not include a device or its components, parts,
14 or accessories;

15 (10) "hashish" means the dried, compressed, resinous product
16 of the plant (genus) Cannabis;

17 (11) "hashish oil" means the viscous liquid concentrate of
18 tetrahydrocannabinols extracted from the plant (genus) Cannabis;

19 (12) "immediate precursor" means a substance which is by
20 statute or regulation designated as the principal compound commonly
21 used or produced primarily for use, and which is an immediate chemical
22 intermediary used or likely to be used in the manufacture of a con-
23 trolled substance, the control of which is necessary to prevent, cur-
24 tail, or limit manufacture of that controlled substance;

25 (13) "manufacture"

26 (A) means the production, preparation, propagation,
27 compounding, conversion, growing, or processing of a controlled
28 substance, either directly or indirectly by extraction from sub-
29 stances of natural origin, or independently by means of chemi cal

1 synthesis, or by a combination of extraction and chemical syn-
2 thesis; however, the growing of marijuana for personal use is not
3 manufacturing;

4 (B) includes the preparation, compounding, packaging,
5 repackaging, labeling or relabeling of a controlled substance or
6 its container unless done in conformity with applicable federal
7 law

8 (i) by a practitioner as an incident to his admin-
9 istering or dispensing of a controlled substance in the
10 course of his professional practice; or

11 (ii) by a practitioner, or by his authorized agent
12 under his supervision, for the purpose of, or as an incident
13 to, research, teaching, or chemical analysis and not for
14 sale;

15 (14) "marijuana" means the leaves, stems, flowers, and seeds
16 of the plant (genus) Cannabis, whether growing or not; it does not
17 include the resin or oil extracted from any part of the plant, or any
18 compound, manufacture, salt, derivative, mixture, or preparation from
19 the resin or oil, including hashish, hashish oil, and natural or syn-
20 thetic tetrahydrocannabinol; it does not include the mature stalks of
21 the plant, fiber produced from the stalks, or cake made from the
22 seeds of the plant, any other compound, manufacture salt, derivative,
23 mixture, or preparation of the mature stalks, fiber, oil or cake, or
24 the sterilized seed of the plant which is incapable of germination;

25 (15) "opiate" means

26 (A) a substance having an addiction-forming or addic-
27 tion-sustaining capability similar to morphine or being capable of
28 conversion into a drug having addiction-forming or addiction-
29 sustaining capability;

1 (B) includes its racemic and levorotatory forms; and

2 (C) does not include, unless specifically designated as
3 controlled under AS 11.71.120 the dextrorotatory isomer of
4 3-methoxy-n-methylmorphinan and its salts (dextromethorphan);

5 (16) "opium poppy" means the plant of any species of Papaver
6 containing the phenanthrine alkaloids of opium, except its seeds;

7 (17) "peyote" means any part of the plant classified botani-
8 cally as Lophophora Williamsii Lemaire, whether growing or not, the
9 seeds of the plant, any extract from any part of the plant, and a
10 compound, manufacture, salt, derivative, mixture, or preparation of the
11 plant, its seeds or extracts, including mescaline;

12 (18) "poppy straw" means all parts, except the seeds, of the
13 opium poppy, after mowing;

14 (19) "practitioner" means

15 (A) a physician, dentist, veterinarian, scientific in-
16 vestigator, or other person licensed, registered, or otherwise
17 permitted to distribute, dispense, conduct research with respect
18 to, or to administer or use in teaching or chemical analysis a
19 controlled substance in the course of professional practice or
20 research in the state;

21 (B) a pharmacy, hospital, or other institution licensed,
22 registered, or otherwise permitted to distribute, dispense, con-
23 duct research with respect to, or to administer a controlled sub-
24 stance in the course of professional practice or research in the
25 state;

26 (20) "sale" means to sell, barter, exchange, give, or dispose
27 of to another, or an exchange for a thing of value;

28 (21) "schedule IA controlled substance" means a controlled
29 substance included in the schedule in AS 11.71.140;

1 (22) "schedule IIA controlled substance" means a controlled
2 substance included in the schedule in AS 11.71.150;

3 (23) "schedule IIIA controlled substance" means a controlled
4 substance included in the schedule in AS 11.71.160;

5 (24) "schedule IVA controlled substance" means a controlled
6 substance included in the schedule in AS 11.71.170;

7 (25) "schedule VA controlled substance" means a controlled
8 substance included in the schedule in AS 11.71.180;

9 (26) "schedule VIA controlled substance" means a controlled
10 substance included in the schedule in AS 11.71.190;

11 (27) "ultimate user" means a person who lawfully possesses a
12 controlled substance for his own use or for the use of a member of his
13 household or for administering to an animal owned by him or by a member
14 of his household.

15 * Sec. 3. AS 17 is amended by adding a new chapter to read:

16 CHAPTER 30. CONTROLLED SUBSTANCES.

17 ARTICLE 1. REGULATION OF MANUFACTURE, DISTRIBUTION,
18 PRESCRIPTION, AND DISPENSING OF CONTROLLED SUBSTANCES.

19 Sec. 17.30.010. REGULATIONS. (a) The Board of Pharmacy shall
20 adopt regulations under the Administrative Procedure Act (AS 44.62)
21 which are necessary for the administration of this chapter, and may
22 charge reasonable fees relating to the registration and control of the
23 manufacture, distribution, and dispensing of controlled substances as
24 authorized by federal law in the state.

25 (b) Regulations adopted under this chapter by the board shall be
26 patterned after federal law so that the legitimate manufacture, distri-
27 bution, and dispensing of controlled substances is subject to regula-
28 tions regarding registration, record keeping, order forms and prescrip-
29 tion requirements that are identical to those required by federal law

1 or regulations.

2 Sec. 17.30.020. REGISTRATION REQUIREMENTS. (a) A person who
3 manufactures, distributes, dispenses, or conducts research with a
4 controlled substance in the state or who proposes to manufacture,
5 distribute, or dispense a controlled substance in the state, shall
6 register annually with the board in accordance with regulations adopted
7 under AS 17.30.010.

8 (b) A person registered under this chapter to manufacture, distri-
9 bute, dispense, or conduct research with controlled substances may
10 possess, manufacture, distribute, dispense, or conduct research with
11 those substances to the extent authorized by his registration and in
12 conformity with the other provisions of this chapter.

13 (c) The following persons may lawfully possess controlled sub-
14 stances under this chapter without registration:

15 (1) an agent or employee of a registered manufacturer, dis-
16 tributor, dispenser, or researcher of a controlled substance so long as
17 the possession is incidental to the usual course of his business or
18 employment;

19 (2) a common or contract carrier or warehouseman, or his
20 employee, whose possession of a controlled substance is in the usual
21 course of his business or employment;

22 (3) an ultimate user or a person in possession of a con-
23 trolled substance under a lawful order of a registered practitioner or
24 in lawful possession of a schedule VA controlled substance.

25 (d) The board may, by regulation, waive the requirement for
26 registration of certain manufacturers, distributors, or dispensers if
27 it finds it consistent with public health and safety.

28 (e) A separate registration is required for each principal place
29 of business or professional practice where the applicant manufactures,

1 distributes, or dispenses controlled substances.

2 (f) The board may inspect the establishment of a registrant or
3 applicant for registration in accordance with regulations adopted by
4 the board.

5 Sec. 17.30.030. REGISTRATION. (a) The board shall register an
6 applicant to manufacture, distribute, or dispense controlled substances
7 listed in the schedules established under federal law unless it finds
8 that the registration would be inconsistent with the public interest.
9 In determining the public interest, the board shall consider the follow-
10 ing factors:

11 (1) maintenance of effective controls against diversion of
12 controlled substances into other than legitimate medical, scientific,
13 or industrial channels;

14 (2) compliance with applicable state and local law;

15 (3) a conviction of the applicant under federal or state
16 laws relating to controlled substances;

17 (4) past experience in the manufacture, distribution, or
18 dispensing of controlled substances and the existence in the appli-
19 cant's establishment of effective controls against diversion of con-
20 trolled substances into other than legitimate medical, scientific, or
21 industrial channels;

22 (5) furnishing by the applicant of false information in an
23 application filed under this chapter;

24 (6) suspension or revocation of the applicant's federal
25 registration to manufacture, distribute, or dispense controlled sub-
26 stances as authorized by federal law; and

27 (7) any other factors relevant to and consistent with the
28 public health and safety.

29 (b) A practitioner registered under federal law to conduct re-

1 search with controlled substances shall be issued a registration to
2 conduct research with these substances in the state if the practitioner
3 furnishes the board with evidence of the federal registration.

4 (c) A manufacturer, distributor, or dispenser who complies with
5 federal law pertaining to registration requirements other than fees is
6 entitled to be registered under this chapter.

7 Sec. 17.30.040. DENIAL, REVOCATION AND SUSPENSION OF REGISTRA-
8 TION. (a) A registration applied for or issued under AS 17.30.030 to
9 manufacture, distribute, dispense, or conduct research with a control-
10 led substance may be denied, suspended, or revoked by the board upon a
11 finding that the registrant

12 (1) has furnished false or fraudulent material information
13 in an application filed under this chapter;

14 (2) has been convicted of a felony offense under state or
15 federal law; or

16 (3) has had his federal registration to manufacture, dis-
17 tribute, dispense, or conduct research with controlled substances
18 denied, suspended, or revoked.

19 (b) The board may limit the denial, revocation, or suspension of
20 a registration to a particular controlled substance with respect to
21 which grounds for denial, revocation, or suspension exist.

22 (c) If the board denies, suspends, or revokes a registration, all
23 controlled substances owned or possessed by the registrant at the time
24 of the denial or suspension or the effective date of the revocation
25 order may be placed under seal by the board or the Department of Public
26 Safety and remains in the custody of the department, subject only to
27 the orders and decrees of a court having jurisdiction over the property.
28 A disposition may not be made of substances under seal until the time
29 for taking an appeal has elapsed or until all appeals have been con-

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1 cluded unless a court, upon application, orders the sale of perishable
2 substances and the deposit of the proceeds of the sale with the court.
3 After a revocation order is final, all controlled substances held by
4 the registrant are forfeited to the state.

5 (d) The board shall promptly notify the Drug Enforcement Admin-
6 istration of the United States Department of Justice of all orders
7 denying, suspending, or revoking registrations and of all forfeitures
8 of controlled substances.

9 Sec. 17.30.050. ORDER TO SHOW CAUSE. (a) Before denying, sus-
10 pending, or revoking a registration, or refusing a renewal of a regis-
11 tration, the board shall serve upon the applicant or registrant an
12 order to show cause why a registration should not be denied, revoked,
13 or suspended, or why a renewal should not be refused. The order to
14 show cause shall contain a statement of the basis for issuance of the
15 order and shall require the applicant or registrant to appear before
16 the board at a time and place not less than 30 days after the date of
17 service of the order. For a refusal of renewal of registration the
18 show cause order must be served not later than 30 days before the
19 expiration of the registration. These proceedings must be conducted in
20 accordance with procedures for administrative adjudication under AS 44.-
21 62.330 - 44.62.630 without regard to criminal prosecution or other
22 proceeding. Proceedings to refuse renewal of registration do not make
23 the existing registration void. The existing registration remains in
24 effect pending the outcome of the administrative hearing.

25 (b) The board may, without an order to show cause, suspend a
26 registration simultaneously with the institution of proceedings under
27 AS 17.30.040 if it finds that there is an imminent danger to the public
28 health or safety which warrants this action. The suspension continues
29 in effect until the conclusion of the proceedings, including judicial

1 review of the proceedings, unless withdrawn by the board or dissolved
2 by a court of competent jurisdiction.

3 Sec. 17.30.060. RECORDS OF REGISTRANTS. A person registered to
4 manufacture, distribute, dispense, or conduct research with controlled
5 substances under this chapter shall keep records and maintain invento-
6 ries in conformance with the record keeping and inventory requirements
7 of federal law and in conformance with additional regulations adopted
8 by the board.

9 Sec. 17.30.070. ORDER FORMS; PRESCRIPTIONS. (a) A controlled
10 substance may be distributed by one registrant to another registrant
11 only if the distribution is in accordance with federal requirements for
12 order forms.

13 (b) A controlled substance may not be dispensed by a practitioner
14 other than in accordance with federal requirements regarding prescrip-
15 tions for controlled substances.

16 (c) If the classification of a controlled substance in a schedule
17 set out in AS 11.71.140 - 11.71.190, or by a regulation adopted in ac-
18 cordance with AS 11.71.1.0(a), is different from its corresponding
19 classification under federal law, the requirements of (a) and (b) of
20 this section are determined by the classification of the substance un-
21 der federal law.

22 Sec. 17.30.080. UNLAWFUL ADMINISTRATION, PRESCRIPTION AND DIS-
23 PENSATION OF CONTROLLED SUBSTANCES. A controlled substance classified
24 under federal law or in a schedule set out in AS 11.71.140 - 11.71.190
25 or by regulations adopted in accordance with AS 11.71.120(a) may not be
26 administered, prescribed, dispensed, or distributed other than for a
27 medical purpose.

28 ARTICLE 2. ENFORCEMENT AND ADMINISTRATIVE PROVISIONS.

29 Sec. 17.30.100. COOPERATIVE ARRANGEMENTS. (a) The commissioner

1 of public safety shall cooperate with other state and federal agencies
2 in the discharge of their responsibilities pertaining to illicit traffic
3 in controlled substances and in suppressing the abuse of controlled
4 substances. Under this section, the powers of the commissioner of
5 public safety include but are not limited to the following:

6 (1) arranging for the exchange of information among govern-
7 ment officials concerning illicit traffic in and abuse of controlled
8 substances;

9 (2) coordinating training programs pertaining to controlled
10 substances at both local and state levels; and

11 (3) cooperating with the Drug Enforcement Administration of
12 the United States Department of Justice by establishing a centralized
13 unit to accept, catalog, file, and collect statistics, including records
14 of persons who have violated the provisions of this chapter or AS 11.71
15 in the state and making the information available for federal, state,
16 and local law enforcement purposes.

17 (b) The commissioner of public safety may not furnish the name or
18 identity of a patient or research subject whose identity could not be
19 obtained under AS 17.30.150(b).

20 Sec. 17.30.110. FORFEITURES. (a) The following may be forfeited
21 to the state:

22 (1) a controlled substance which has been manufactured,
23 distributed, dispensed, acquired, or possessed in violation of this
24 chapter or AS 11.71;

25 (2) raw materials, products, and equipment which are used or
26 intended for use in manufacturing, distributing, compounding, process-
27 ing, delivering, importing, or exporting a controlled substance which
28 is a felony under this chapter or AS 11.71;

29 (3) property which is used or intended for use as a container

1 for property described in (1) or (2) of this subsection;

2 (4) a conveyance, including but not limited to aircraft,
3 vehicles or vessels, which has been used or is intended for use in
4 transporting or in any manner in facilitating the transportation, sale,
5 receipt, possession, or concealment of property described in (1) or (2)
6 of this subsection in violation of a felony offense under this chapter
7 or AS 11.71; however,

8 (A) a conveyance may not be forfeited under this section
9 if the owner of the conveyance establishes, by a preponderance of
10 the evidence, at a hearing before the court as the trier of fact,
11 that use of the conveyance in violation of this chapter or AS 11.71
12 was committed by another person and that the owner was not a
13 consenting party nor privy to the violation;

14 (B) a forfeiture of a conveyance encumbered by a valid
15 security interest at the time of seizure is subject to the interest
16 of the secured party if the secured party establishes, by a prepon-
17 derance of the evidence, at a hearing before the court as the
18 trier of fact, that use of the conveyance in violation of this
19 chapter or AS 11.71 was committed by another person and that the
20 secured party was not a consenting party nor privy to the viola-
21 tion;

22 (5) books, records, and research products and materials,
23 including formulas, microfilm, tapes, and data which are used in vio-
24 lation of this chapter or AS 11.71;

25 (6) money, securities, negotiable instruments, or other
26 things of value used in financial transactions derived from activity
27 prohibited by this chapter or AS 11.71; and

28 (7) a firearm which is visible, carried during, or used in
29 furtherance of a violation of this chapter or AS 11.71.

1 (b) Property listed in (a) of this section may be forfeited to
2 the state either upon conviction of the defendant of a violation of
3 this chapter or AS 11.71, or upon judgment of a court in a separate
4 civil proceeding in rem. The court may order a forfeiture in the in
5 rem proceeding if it finds that an item specified in (a) of this section
6 was used during or in aid of a violation of this chapter or AS 11.71.

7 (c) It is not a defense in an in rem proceeding brought under
8 this section that

9 (1) a criminal proceeding is pending or has resulted in a
10 conviction, acquittal, or conviction of a lesser offense for a violation
11 of this chapter or AS 11.71;

12 (2) a criminal proceeding has been dismissed;

13 (3) the item has not been forfeited in a criminal proceeding;
14 or

15 (4) multiple actions are pending.

16 (d) Property listed in (a) of this section may be seized by a
17 peace officer upon an order issued by a court having jurisdiction over
18 the property upon a showing of probable cause that the property may be
19 forfeited under (a) of this section. Seizure without a court order may
20 be made if

21 (1) the seizure is incident to a valid arrest or a search
22 under a valid search warrant;

23 (2) the property subject to seizure has been the subject of
24 an earlier judgment in favor of the state in a criminal proceeding or
25 civil proceeding in rem under this chapter or AS 11.71; or

26 (3) there is probable cause that the property was used, is
27 being used, or is intended for use, in violation of this chapter or
28 AS 11.71 and the property is easily movable; property seized under this
29 paragraph may not be held for more than 48 hours without a court order

1 obtained to continue its detention.

2 (e) Property taken or detained under (d) of this section shall be
3 held in the custody of either the commissioner of public safety or a
4 municipal law enforcement agency authorized by the commissioner of
5 public safety to retain custody of property listed in (a) of this
6 section subject only to the orders and decrees of the court having
7 jurisdiction over any forfeiture proceedings. If property is seized
8 under this chapter, the commissioner of public safety or an authorized
9 municipal law enforcement agency may

10 (1) place the property under seal;

11 (2) remove the property to a place designated by the court;

12 or

13 (3) take custody of the property and remove it to an appro-
14 priate location for disposition in accordance with law.

15 (f) Within 10 days after a seizure under this section, the commis-
16 sioner of public safety shall make an inventory of any property seized,
17 including controlled substances, and shall appraise the value of any
18 items seized other than controlled substances.

19 (g) Within 20 days after a seizure under this section, the commis-
20 sioner of public safety shall, by certified mail, notify any person
21 known to have an interest in an item with an appraised value of \$500 or
22 more, or who is ascertainable from official registration numbers,
23 licenses, or other state, federal or municipal numbers on the item.
24 Additionally, the commissioner of public safety shall publish notice of
25 forfeiture action of an item valued at \$500 or more in a newspaper of
26 general circulation in the judicial district in which the seizure was
27 made, or if no newspaper is published in that district, in a newspaper
28 published in the state and distributed in that district. The notice
29 shall be published once each week during four consecutive calendar

1 weeks. The requirements of this subsection do not apply to the for-
2 feiture of controlled substances which have been manufactured, distri-
3 buted, dispensed, or possessed in violation of this chapter or AS 11.71,
4 regardless of their value.

5 (h) Upon service or publication of notice of commencement of an
6 action under this section, a person claiming interest in the property
7 shall file within 20 days after the service or publication, a notice of
8 claim setting out the nature of his interest, the date it was acquired,
9 the consideration paid, and an answer to the state's allegations. If a
10 claim and answer is not filed within the time specified, the property
11 described in the state's allegation must be ordered forfeited to the
12 state without further proceedings or showings.

13 (i) Questions of fact or law raised by a notice of claim and
14 answer of a claimant in an action commenced under this section must be
15 determined by the court sitting without a jury. This proceeding may be
16 held in abeyance until conclusion of any pending criminal charges
17 against the claimant under this chapter or AS 11.71.

18 (j) A claimant under (h) of this section may at any time petition
19 for release of a seized item as follows:

20 (1) to a court in which a warrant for seizure has been
21 issued;

22 (2) to a court in which a criminal or civil action alleging
23 forfeiture of the item has been filed; or

24 (3) before an action is filed, or if no seizure warrant was
25 issued, to a court in the judicial district in which the violation took
26 place.

27 (k) An item may not be released by the court under (j) of this
28 section unless the claimant gives adequate assurance that the item will
29 remain subject to the court's jurisdiction and

1 (1) the court finds that the release is in the best interests
2 of the state; or

3 (2) the claimant provides a bond or other valid and equiva-
4 lent security equal to twice the assessed value of the item.

5 (1) A claimant may petition the court for sale of an item before
6 final disposition of court proceedings. The court shall grant a peti-
7 tion for sale upon a finding that the sale is in the best interests of
8 the state and the preservation and maintenance of the item seized.
9 Proceeds from the sale plus interest to the date of final disposition
10 of the court proceedings become the subject of the forfeiture action.

11 (m) Property forfeited under this section other than controlled
12 substances shall be disposed of by the commissioner of administration
13 in accordance with applicable law. The commissioner of administration
14 may

15 (1) destroy property harmful to the public;

16 (2) sell the property and use the proceeds for payment of
17 all proper expenses of the proceedings for forfeiture and sale, includ-
18 ing expenses of seizure, custody, and court costs;

19 (3) take custody of the property and authorize its use in
20 the enforcement of this chapter or AS 11.71, or transfer it to another
21 agency of the state or a political subdivision of the state for a use
22 in furtherance of the administration of justice;

23 (4) take custody of the property and remove it for disposi-
24 tion in accordance with law; or

25 (5) forward it to the Drug Enforcement Administration of the
26 United States Department of Justice for disposition.

27 (n) Upon a showing that a claimant is entitled to remittance in
28 accordance with this section, the court shall order that

29 (1) if the item may be used for a valid state purpose, it

1 shall be delivered to the commissioner of administration and the com-
2 missioner shall remit to the claimant the value of the claimant's in-
3 terest at the time of seizure; or

4 (2) the item may be sold at public auction to the highest
5 bidder under the following conditions:

6 (A) the claimant has a right of first refusal;

7 (B) the sale proceeds shall be used to satisfy the
8 claimant's interest at the time of seizure; and

9 (C) the balance remaining after (B) of this paragraph
10 is complied with shall be deposited in the general fund.

11 (o) An offender who used an item subject to remission in viola-
12 tion of this chapter or AS 11.71 shall be assessed a fine which may not
13 be less than the cost of any lien payment or remittance made by the
14 state plus the reasonable costs of the seizure.

15 (p) A controlled substance manufactured, possessed, transferred,
16 sold, or offered for sale in violation of this chapter or AS 11.71 is
17 contraband and must be seized and summarily forfeited to the state.
18 The commissioner of public safety or his designee, including a municipal
19 law enforcement agency authorized under (e) of this section to retain
20 custody of controlled substances, is responsible for the disposal of
21 controlled substances which have been forfeited. The controlled sub-
22 stances shall be disposed of in accordance with procedures and require-
23 ments prescribed by the commissioner.

24 (q) Plants from which controlled substances may be derived and
25 which have been planted or cultivated in violation of this chapter or
26 AS 11.71, or which are grown in the wild, may be seized and summarily
27 forfeited to the state.

28 Sec. 17.30.130. JUDICIAL REVIEW. A final determination, finding,
29 or conclusion of the board under this chapter or a regulation adopted

1 under it is a final decision of the matter involved. A person aggrieved
2 by a decision may obtain review of the decision in the superior court
3 in accordance with AS 44.62.560 - 44.62.570. However, a person is not
4 entitled to a hearing de novo in the superior court.

5 Sec. 17.30.140. EDUCATION AND RESEARCH. (a) The commissioner of
6 health and social services shall provide for educational programs
7 designed to prevent and deter the abuse of controlled substances. In
8 connection with these programs, the commissioner may

9 (1) assist the regulated industry and interested groups and
10 organizations in contributing to the reduction of abuse of controlled
11 substances;

12 (2) promote better recognition of the problems surrounding
13 abuse of controlled substances within the regulated industry and among
14 interested groups and organizations;

15 (3) consult with interested groups and organizations to aid
16 them in solving administrative and organizational problems;

17 (4) evaluate procedures, projects and techniques conducted
18 or proposed as part of educational programs on abuse of controlled
19 substances;

20 (5) disseminate the results of research on abuse of con-
21 trolled substances to promote a better public understanding of the
22 problems which exist and their solutions; and

23 (6) with the cooperation of the Department of Law, assist in
24 the education and training of state and local law enforcement officials
25 in their efforts to prevent illicit traffic in and abuse of controlled
26 substances.

27 (b) The commissioner of health and social services shall encourage
28 research on controlled substances and may

29 (1) establish methods to assess the effects of controlled

1 substances and identify and characterize those with potential for
2 abuse;

3 (2) make studies and undertake research to

4 (A) develop new or improved approaches, techniques,
5 systems, equipment, and devices to strengthen the enforcement of
6 this chapter;

7 (B) determine patterns of abuse of controlled sub-
8 stances and their social effects; and

9 (C) improve methods for preventing, predicting, and un-
10 derstanding the abuse of controlled substances;

11 (3) enter into contracts with public agencies, institutions
12 of higher education, and private organizations or individuals for con-
13 ducting research, demonstrations, or special projects which bear
14 directly on abuse of controlled substances and for related research and
15 educational activities.

16 Sec. 17.30.150. CONFIDENTIALITY. (a) Results, information, and
17 evidence received from the Drug Enforcement Administration of the
18 United States Department of Justice relating to the regulatory func-
19 tions of this chapter, including results of inspections conducted by it
20 may be relied on and acted on by the board in the exercise of its
21 regulatory functions under this chapter.

22 (b) A practitioner engaged in medical practice or research may
23 not furnish the name or identity of a patient or research subject to
24 the board. The practitioner may not otherwise disclose the name or
25 identity of an individual that he is required to keep confidential
26 unless ordered by a court to disclose it within the context of a crim-
27 inal investigation or proceeding.

28 Sec. 17.30.160. DEFINITIONS. (a) Unless the context clearly
29 requires otherwise, the definitions set out in AS 11.71.900 apply to

1 this chapter.

2 (b) In this chapter, "board" means the Board of Pharmacy provided
3 for in AS 08.80.010.

4 * Sec. 4. AS 17 is amended by adding a new chapter to read:

5 CHAPTER 35. ALASKA THERAPEUTIC RESEARCH ACT.

6 Sec. 17.35.010. LEGISLATIVE PURPOSE. The legislature finds that
7 recent research has shown that the use of marijuana may alleviate the
8 nausea and ill effects of cancer chemotherapy and radiology, and,
9 additionally, may alleviate the ill effects of glaucoma. The legis-
10 lature further finds that there is a need for further research and
11 experimentation regarding the use of marijuana under strictly con-
12 trolled circumstances.

13 Sec. 17.35.020. THERAPEUTIC RESEARCH PROGRAM. (a) A therapeutic
14 research program is established in the Board of Pharmacy. The program
15 shall be administered by the board. The board shall adopt regulations
16 necessary for the proper administration of this chapter. Before adopt-
17 ing regulations, the board shall take into consideration pertinent
18 regulations adopted by the Drug Enforcement Administration of the
19 United States Department of Justice, the federal Food and Drug Adminis-
20 tration, and the National Institute on Drug Abuse.

21 (b) Except as provided in AS 17.35.030(e), the therapeutic re-
22 search program is limited to cancer chemotherapy and radiology patients
23 and glaucoma patients, who are certified to the Patient Qualification
24 Review Committee by a practitioner. A patient may not be admitted to
25 the therapeutic research program without full disclosure by the practi-
26 tioner of the experimental nature of this program and of the possible
27 risks and side effects of the proposed treatment.

28 (c) The board shall provide by regulation for a program of regis-
29 tration of therapeutic research projects.

1 Sec. 17.35.030. PATIENT QUALIFICATION REVIEW COMMITTEE. (a) The
2 board shall appoint a Patient Qualification Review Committee to serve
3 at its pleasure. The committee shall consist of four members with the
4 following qualifications:

5 (1) two physicians licensed to practice medicine in the
6 state, one of whom specializes in the practice of ophthalmology;

7 (2) a physician licensed to practice medicine in the state
8 and specializing in the practice of psychiatry; and

9 (3) a physician licensed to practice medicine in the state
10 who specializes in the practice of radiology.

11 (b) Members of the Patient Qualification Review Committee receive
12 no salary but are entitled to per diem for travel and expenses autho-
13 rized by law for boards and commissions.

14 (c) The Patient Qualification Review Committee shall review all
15 applicants for the therapeutic research program and their licensed
16 practitioners and certify their participation in the program.

17 (d) The Patient Qualification Review Committee and the board
18 shall protect the privacy of individuals who participate in the thera-
19 peutic research program by withholding the names and other identifying
20 characteristics of those individuals from all persons who are not
21 connected with the research. Persons authorized to engage in research
22 under the therapeutic research program may not be compelled in any
23 civil, criminal, administrative, legislative, or other proceeding to
24 identify the individuals who are the subjects of research for which the
25 authorization was granted unless necessary to permit the board to
26 determine whether the research is being conducted in accordance with
27 the authorization.

28 (e) The Patient Qualification Review Committee may include other
29 disease groups for participation in the therapeutic research program.

1 However, a practitioner must present pertinent medical data to both the
2 committee and the board before a disease group may be added. The
3 participation of a disease group must be approved by the board consis-
4 tent with applicable regulations adopted by the Drug Enforcement Admin-
5 istration of the United States Department of Justice, the federal Food
6 and Drug Administration, and the National Institute on Drug Abuse.

7 Sec. 17.35.040. SOURCES AND DISTRIBUTION OF MARIJUANA. The board
8 shall ensure that marijuana is ^{make every reasonable effort -} made available ^{to qualified} through whatever means it
9 considers appropriate consistent with applicable regulations adopted by
10 the Drug Enforcement Administration of the United States Department of
11 Justice, the federal Food and Drug Administration, and the National
12 Institute on Drug Abuse, and under this chapter.

13 Sec. 17.35.050. REPORT TO THE GOVERNOR AND LEGISLATURE. The
14 board, in conjunction with the Patient Qualification Review Committee,
15 shall report its findings and recommendations to the governor and the
16 legislature regarding the effectiveness of the therapeutic research
17 program by March 1, 1984.

18 Sec. 17.35.060. DEFINITIONS. In this chapter

19 (1) "board" means the Board of Pharmacy;

20 (2) "marijuana" has the meaning set out in AS 11.71.900(14);

21 (3) "practitioner" means a physician authorized to practice
22 medicine in the state under AS 08.64.

23 * Sec. 5. AS 08.64.380(3)(B) is amended to read:

24 (B) habitual overuse of alcoholic beverages or con-
25 trolled substances [DEPRESSANT, HALLUCINOGENIC OR STIMULANT DRUGS,]
26 as defined in AS 11.71.900(4) [AS 17.12.150(3), OR ADDICTION TO
27 THE USE OF NARCOTIC DRUGS AS DEFINED IN AS 17.10.230(13)];

28 * Sec. 6. AS 08.80.040 is amended by adding a new paragraph to read:

29 (10) provide for the regulation of controlled substances

1 under AS 17.30.

2 * Sec. 7. AS 08.80.470 is amended to read:

3 Sec. 08.80.470. CONSTRUCTION. Nothing in this chapter amends,
4 modifies, repeals or otherwise changes any provision of AS 11.71,
5 AS 17.30, [THE UNIFORM NARCOTIC DRUG ACT (AS 17.10)] or the Alaska
6 Food, Drug and Cosmetic Act (AS 17.20).

7 * Sec. 8. AS 08.80.480(20) is repealed and reenacted to read:

8 (20) "controlled substance" has the same meaning set out in
9 AS 11.71.900(4).

10 * Sec. 9. AS 11.31.100(d)(1) is amended to read:

11 (1) class A felony if the crime attempted is an unclassified
12 felony [MURDER IN ANY DEGREE OR KIDNAPPING];

13 * Sec. 10. AS 11.31.110(c)(1) is amended to read:

14 (1) class A felony if the crime solicited is an unclassified
15 felony [MURDER IN ANY DEGREE OR KIDNAPPING];

16 * Sec. 11. AS 11.81.900(b)(4) is amended to read:

17 (4) "cannabis" has the meaning ascribed to it in AS 11.71.-
18 900(10), (11), and (14) [AS 17.12.150];

19 * Sec. 12. AS 11.81.900(b)(6) is repealed and reenacted to read:

20 (6) "controlled substance" has the meaning ascribed to it in
21 AS 11.71.900(4);

22 * Sec. 13. AS 11.81.900(b)(16) is repealed and reenacted to read:

23 (16) "drug" has the meaning ascribed to it in AS 11.71.-
24 900(9);

25 * Sec. 14. AS 12.30.040(b) is repealed and reenacted to read:

26 (b) Notwithstanding the provisions of (a) of this section, if a
27 person has been convicted of an offense which is an unclassified felony
28 or a class A felony, he may not be released on bail either before
29 sentencing or pending appeal.

1 * Sec. 15. AS 12.45 is amended by adding a new section to read:

2 Sec. 12.45.155. LABORATORY REPORT OF CONTROLLED SUBSTANCES. (a)

3 In a prosecution under AS 11.71.010 - 11.71.070, a complete copy of an
4 official laboratory report from the Department of Public Safety or a
5 laboratory operated by another law enforcement agency is prima facie
6 evidence of the content, identity, and weight of a controlled sub-
7 stance. The report must be signed by the person performing the anal-
8 ysis and must state that the substance which is the basis of the alleged
9 offense has been weighed and analyzed. In the report, the author shall
10 state with specificity his findings of the content, weight, and identity
11 of the substance.

12 (b) A sworn statement prepared by the author of the report pro-
13 vided for in (a) of this section must be attached to the report. The
14 statement must set out the identity of the author and include a state-
15 ment that he is an employee of the laboratory issuing the report and
16 that performing the analysis is a part of his regular duties. The
17 statement must also include an outline of his education, training, and
18 experience for performing an analysis. The author shall state that
19 scientifically accepted tests were performed with due caution, and
20 whether to his knowledge the evidence was handled in accordance with
21 established and accepted procedures while in the custody of the labora-
22 tory.

23 (c) The prosecuting attorney shall serve a copy of the report on
24 the attorney of record for the accused, or on the defendant if he has
25 no attorney, not later than 20 days before a proceeding in which the
26 report is to be used against the accused. However, at a preliminary
27 hearing or grand jury proceeding, the report may be used without having
28 previously been served upon the accused.

29 (d) The accused or his attorney may demand the testimony of the

1 person signing the report, by serving a written demand showing cause
2 upon the prosecuting attorney within seven days from receipt of the
3 report.

4 (e) A report issued for use under this section must contain
5 notice of the right of the accused to demand the testimony of the
6 person signing the report.

7 * Sec. 16. AS 12.55.035(b)(1) is amended to read:

8 (1) \$75,000 for murder in the first or second degree, [OR]
9 kidnapping, or misconduct involving a controlled substance in the first
10 degree;

11 * Sec. 17. AS 12.55.125(b) is amended to read:

12 (b) A defendant convicted of murder in the second degree, [OR]
13 kidnapping, or misconduct involving a controlled substance in the first
14 degree shall be sentenced to a definite term of imprisonment of at
15 least five years but not more than 99 years.

16 * Sec. 18. AS 12.55.155(c) is amended by adding new paragraphs to read:

17 (19) the defendant is convicted of an offense specified in
18 AS 11.71 and the offense involved the delivery of a controlled sub-
19 stance under circumstances manifesting an intent to distribute the
20 substance as part of a commercial enterprise;

21 (20) the defendant is convicted of an offense specified in
22 AS 11.71 and the offense involved the transportation of controlled
23 substances into the state;

24 (21) the defendant is convicted of an offense specified in
25 AS 11.71 and the offense involved large quantities of a controlled
26 substance;

27 (22) the defendant is convicted of an offense specified in
28 AS 11.71 and the offense involved the distribution of a controlled
29 substance that had been adulterated with a toxic substance.

1 * Sec. 19. AS 12.55.155(d) is amended by adding new paragraphs to read:

2 (14) the defendant is convicted of an offense specified in
3 AS 11.71 and the offense involved small quantities of a controlled
4 substance;

5 (15) the defendant is convicted of an offense specified in
6 AS 11.71 and the offense involved the distribution of a controlled
7 substance, other than a schedule IA controlled substance, to a personal
8 acquaintance who is 19 years of age or older for no profit;

9 (16) the defendant is convicted of an offense specified in
10 AS 11.71 and the offense involved the possession of a small amount of a
11 controlled substance for personal use in the defendant's home.

12 * Sec. 20. AS 28.35.030(a)(1) is amended to read:

13 (1) while under the influence of intoxicating liquor, or any
14 controlled substance listed [DEPRESSANT, HALLUCINOGENIC, STIMULANT OR
15 NARCOTIC DRUGS AS DEFINED] in AS 11.71.140 - 11.71.190 [AS 17.10.230-
16 (13) AND AS 17.12.150(3)];

17 * Sec. 21. AS 28.35.030 is amended by adding a new subsection to read:

18 (e) In a prosecution under this section alleging that the accused
19 operated a motor vehicle while under the influence of a controlled sub-
20 stance, as defined in AS 11.71.140 - 11.71.190, or under the influence
21 of alcohol and a controlled substance and the controlled substance is
22 available by prescription, it is prima facie evidence of the accused's
23 knowledge of the effects of the controlled substance that he was warned,
24 by a doctor, pharmacist, or other licensed practitioner of those
25 effects. A label placed on the prescription bottle recommending or
26 warning that the person should not operate a motor vehicle or other
27 equipment after ingesting the controlled substance is a warning which
28 satisfies the requirements of this subsection.

29 * Sec. 22: (a) Prosecution for a violation of law occurring before

(21)

1 January 1, 1982⁸³, is not affected or abated by this Act. Violation of any
2 law repealed by this Act may still be prosecuted and brought to a final
3 determination in accordance with the laws and regulations in effect at the
4 time of the violation.

5 (b) This Act does not apply to a civil seizure, forfeiture, or injunc-
6 tive proceeding commenced before January 1, 1982⁸³.

7 (c) Administrative proceedings pending under a law repealed or amended
8 by this Act shall be continued and brought to a final determination in
9 accordance with the laws and regulations in effect before January 1, 1982⁸³.

10 (d) The Board of Pharmacy shall permit persons who own or operate an
11 establishment engaged in the manufacture, distribution, or dispensing of a
12 controlled substance to register before January 1, 1982⁸³.

13 (e) This Act applies to violations of law, seizures, forfeitures,
14 injunctive proceedings, administrative proceedings, and investigations which
15 occur after December 31, 1981⁸².

16 * Sec. 22²². Orders issued and regulations adopted under a law amended or
17 repealed by this Act and in effect on January 1, 1982⁸³, and not in conflict
18 with this Act continue until amended or repealed.

19 * Sec. 23²³. The members of the Controlled Substance Advisory Committee
20 first appointed under AS 11.71.100(a)(5) - (8) shall serve terms as follows:

- 21 (1) one member for two years;
- 22 (2) two members for three years; and
- 23 (3) two members for four years.

24 * Sec. 24²⁴. AS 17.10, AS 17.12, and AS 17.15 are repealed.

25 * Sec. 25²⁵. This Act takes effect on January 1, 1982⁸³.

John R. Needham - Arch. Police Dept. useful
tool to law enforcement comm -
preference that marijuana would be to state

ac' adequate - controlled substance schedule
adequate
Standards of schedule good - committee
meet twice a yr. 11-71-120 -
Scheduling going to require work on
several parts probably a Revised -
11-71-180 + schedule 5 complex which will be
partic -

Rhonda pg - 30 line 6 - and line 8
will answer

pg 33 - line 26 - (20) does it include
purchase

pg 31 line 26 - through line 3 pg 32

pg 49 through chapter 35 -

therapeutic research act - Marijuana
in Vegetable form - simply put means
smoking Marijuana

17.35.060 change on person Mary - 17. ~~35~~⁵¹.040
Creating a problem that could be related in
to a lot of cancer patients in state -

pg 7 line 2 - immediate control - is change definition
Clarify immediate control -

fiscal note pg - 53 Fin burden on Dept of
public safety - understaffed - will have an
impact - due to lack of manpower

Should be completed with
Lynda Adams - parent -

AM amount.

Alcohol

Jan. 19. 82
HB. 180

Free Sterling supports HT 22
Pure Hill - ~~oil~~ rail

H.B. 576 - Supports Hill - excise items - young
Victim - old

H.B. 473 - Supports -

HB 573 - Supports

HB 575 - Supports

H.B. 577 - Supports

H.B. 578 - Supports a bill of habeas nature

Subsection AB. 11. 41. 230^a new subsection
of new class L. felony -

AB 11. 56. 700^a subsection of Class A Misdemeanor -
include a police officer

H.B. 344 Fingerprint bill 4.2 M. 11.02 still a
good piece - 1000 supports

H.B. 572 - does not support -