

HB

716

PROPOSED AMENDMENTS TO CSHB 716 (L & C)
BY CHUCK RUSH, PHARMACIST

Page 2, line 3, Sec. 08.80.095, after "EXECUTIVE SECRETARY", add "AND THE DIRECTOR OF CONTROLLED SUBSTANCES."

Page 2, line 4, Sec. 08.80.095, after "chapter", add "and chapter AS 17.30."

Page 2, line 7, Sec. 08.80.097, after "INVESTIGATIONS", add "AND DUTIES OF EXECUTIVE SECRETARY."

Page 2, line 7, Sec. 08.80.097, after "secretary", add ", under the board's supervision,"

Page 2, line 18, Sec. 08.80.097, add new subsections to read:

"(c) The executive secretary will be the position for Alaska which deals with the national association of boards of pharmacy and will be responsible for giving the pharmacy exams with the board's supervision.

(d) The executive secretary will be the position for Alaska that deals with the Drug Enforcement Administration on all matters pertaining to the legitimate medical communities use of controlled substances.

(e) The executive secretary will maintain in his office all files and records approved by the board.

(f) The board will promulgate regulations for the other duties of the executive secretary."

LINE 4 AFTER CHAPTER (AND CHAPTER AS17.30.)
LINE 7 after SECRETARY (UNDER THE BOARDS SUPERVISION)

line 18 add

THE EXEC SECT WILL BE THE POSITION FOR ALASKA WHICH DEALS WITH THE NATIONAL ASSN OF BOARDS OF PHARMACY AND WILL BE RESPONSIBLE FOR GIVING THE PHARMACY EXAMS WITH THE BOARDS SUPERVISION.

(D) THE EXEC SECT WILL BE THE POSITION FOR ALASKA THAT DEALS WITH THE DRUG ENFORCEMENT ADMINISTRATION ON ALL MATTERS PERTAINING TO THE LEGITIMATE MEDICAL COMMUNITIES USE OF CONTROLLED SUBSTANCES.

E. THE EXEC SECRETARY WILL MAINTAIN IN HIS OFFICE ALL FILES AND RECORDS APPROVED BY THE BOARD.

F. THE BOARD WILL PROMULGATE REGULATIONS FOR THE OTHER DUTIES OF THE EXEC SECRETARY.

CS for House Bill no. 716
(L+C)

line 19 CHANGE C TO G

Sen. Richard Eliason
Room 417-Capitol
Senate
Juneau, Alaska

+ Duties of
Ex Sec
7 Investigator
field

Proposed Amendments by Chuck Rush, Pharmacist

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

POSITION PAPER
CSHB 716
(L&C)

CSHB 716: "An Act relating to the Board of Pharmacy; and providing for an effective date."

The Department of Commerce and Economic Development opposes CSHB 716 which authorizes the Board of Pharmacy to hire an executive secretary, and which authorizes both the board and executive secretary to investigate violations.

The proposed responsibilities of the executive secretary include the implementation of the pharmacy chapter and the conduction of investigations. These duties are presently provided by a licensing examiner and the investigators within the Division of Occupational Licensing. The costs incurred for salary and benefits for an executive secretary under the proposed measure are unnecessary.

With the responsibilities for inspecting and investigating complaints, the executive secretary would need to be a qualified investigator familiar with techniques of handling an investigation, processing litigation matters, and criminal activities where AS 17.30. is concerned, and maintaining compliance with the Administrative Procedure Act (AS 44.62.). Furthermore, the cost of inspections and investigations would be subject to the budgetary limitations of the board. Investigation matters are presently processed by the investigation section of the Division of Occupational Licensing which is comprised of professional investigators. Since many of the health professions overlap during the process of an investigation, an executive secretary, subject to a particular board, could unjustifiably hinder due process during the course of investigations.

The bill also requires the executive secretary to immediately notify each board member of investigations conducted. This ex parte communication with board members jeopardizes the board's position in remaining neutral to determine final judgment on litigation and investigation cases.

The Pharmacy Board has indicated that the support for the position is necessary for implementation of the Controlled Substance Act. It is the position of this department that implementation of the Controlled Substance Act can be initiated and monitored by present staff, with additional clerical support, which would preclude the additional expense of an executive secretary.

Data collected would be transmitted to the Board of Pharmacy which, above all, is a mandated function of the board by authority of AS 08.80.040(10) and not an assignment of responsibility passed on to an executive secretary.



5/24/84

Richard A. Lyon, Commissioner
Department of Commerce and Economic
Development

HDT/mc0069m
052384b

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 716 (L&C)
Title: An Act relating to the
Board of Pharmacy; & providing for
Sponsor: Labor & Commerce Committee
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
Program Category Affected: Public Protection
an effective date _____
BRU, Program or Subprogram(s) Affected: _____
Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES		46.5	49.8	53.3	57.0	61.0
200 TRAVEL		51.6	55.2	59.0	63.2	67.6
300 CONTRACTUAL		28.0	30.0	32.0	34.3	36.7
400 SUPPLIES		1.2	1.3	1.4	1.5	1.6
500 EQUIPMENT		4.2				
600 LAND & STRUCTURES		3.6	3.9	4.1	4.4	4.7
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<u>TOTAL OPERATING</u>		135.1	110.2	149.8	160.4	171.6
<u>CAPITAL</u>						
<u>REVENUE</u>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		135.1	110.2	149.8	160.4	171.6
FEDERAL FUNDS						
OTHER						
<u>TOTAL</u>						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
Division: Occupational Licensing Date: 4/17/84

Approved by Commissioner: Richard A. Lyon Date: 4/23/84
Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Note

HB 716 FISCAL IMPACT

(NOTE: 7% inflation factor projected for FY '86 through FY '89 for operating costs)

100 PERSONAL SERVICES:

1 Executive Secretary, Range 18A
PX, 12 months to be located in Anchorage 46,519.88

200 TRAVEL:

Executive Secretary 3 board meetings (2 days ea. @ \$80
per day/ per diem = \$160 x 3) \$480.00
Transportation - 3 board mtgs @
\$400 ea. 1,200.00

Note: There are 117 licensed pharmacies which require inspections. Assuming the Executive Secretary will be located in the Anchorage area, the following does not include the 41 pharmacies in the Anchorage area. These consist of 32 Retail, 2 Wholesale, 6 Hospital Pharmacies, and 1 Nursing Home Drug Room pharmacy.

Transportation for Inspections not in the Anchorage area, at \$400 ea. x 78 31,200.00

Per Diem for Inspections not in the Anchorage area, at \$80 per day x 3 days ea. x 78 18,720.00
\$51,600.00

300 CONTRIBUTIONAL:

Postage, telephone, printing, publication and operating costs: \$2,000.00

(With the authority to investigate violations, the following will apply:)

Legal fees: Estimated 2 investigations annually will result in disciplinary proceedings: Fees cover all costs including hearing officer fees, court costs, court recorder costs, appeals cost, witness fees, and all other related costs; (Estimated each hearing process cost is \$10,000.00 x 2) 20,000.00

Executive Secretary leased vehicle, dry w/maintenance:

Anchorage: 1 vehicle @ \$410.00 per month x 12 months 4,920.00

Fuel: 1 leased vehicle @ est. \$87.50 per month x 12 months 1,050.00
\$27,970.00

400__COMMODITIES:

Stationery, typewriter ribbons, pens, pencils,
tablets, and other miscellaneous desk top supplies 1,200.00

500__EQUIPMENT: (one time costs only)

1 desk, double pedestal, 60" x 30" @ 568.22 ea.	568.22
1 chair, executive swivel, with arms @ \$313.30	313.30
1 typewriter, IBM correcting Selectric with dual pitch, 15.5 inch paper capacity @ \$1,369.36 ea.	1,369.36
1 typewriter table @ \$135.65 ea.	135.65
1 chair, side without arms, contour style @ \$114.60 ea.	114.60
1 recording machine, portable, Lanier @ \$775.87 ea.	775.87
1 bookcase with 3 adjustable shelves @ \$164.69 ea.	164.69
1 file cabinet, 5 drawer, legal w/lock @ \$406.91 ea.	406.91
1 calculators, desk, printing and display, 12-digit, @ \$364.66 ea.	364.66
	<u>\$4,213.26</u>

600__LAND & STRUCTURES:

150 sq. ft. @ \$2.00 per ft. per mo. x 12 mos. \$3,600.00

TOTAL OPERATING COSTS: \$135,103.14

1.	POSITION TITLE Executive Secretary				RANGE/STEP 18A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.	
2.	TYPE OF POSITION PX	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION EBA	ELECTION DISTRICT ALL	LEG.			
3.	CONTINUATION LEVEL				ADDITION						
4.	TYPE OF EXPENDITURE				AMOUNT						
	1		2		3						
	PERSONAL SERVICES										
5.	Salary		35.8								
6.	Benefits		5.8								
7.	Supplemental Benefits		2.2								
8.	Fixed Benefits		2.7								
9.	TOTAL PERSONAL SERVICES		01		46.5						
10.	Travel		02		51.6						
11.	Contractual		03		28.0						
12.	Commodities		04		1.2						
13.	Equipment		05		4.2						
14.	Other				3.6						
15.	TOTAL COST				135.1						
JUSTIFICATION											
As requested by the House Labor & Commerce Committee in House Bill 716.											
16.	RECEIPT CODE	FUNDING SOURCE									
17.		Federal Receipts 1002									
18.		G.F. Match 1003									
19.		General Funds 1004			135.1						
20.		I-A Receipts 1005									
21.		Program Receipts 1028									
		Other									
FOR B&H USE ONLY											
4A KEY NUMBER _____											

13 REQUEST FOR
NEW POSITION

AGENCY Department of Commerce and Economic Development

PROGRAM Public Protection

BRU Occupational Licensing

COMPONENT _____

Page _____ of _____
Revised Date _____

FY 85

SENDED TITLE: CSRD 716(L&C)
 ACT RELATING TO THE BOARD OF PHARMACY, AND PROVIDING
 AN EFFECTIVE DATE

GENERAL DOLLARS: 50 (F. NOTE)
 OTHER DOLLARS: 50
 PRIME SPONSOR: HOUSE LABOR/CONOM COMMITTEE.

CO-SPONSORS:
 CURRENT STATUS: 6/05/84 PASSED (S)

DATE	SEQ	PAGE	LEGISLATIVE ACTION
4/09/84	01	3452	FIRST READING -- COMMITTEE REPORTS
4/25/84	02	3453	L&C -- CS07
4/25/84	03	3454	L&C F/NOTE USE SUPPL #134
5/07/84	04	3727	SIN -- CS07
5/07/84	05	3727	SIN F/NOTE EQUALS ZERO
5/15/84	06	3854	SECOND READING
5/15/84	07	3854	L&C AS ADOPTED BY UNAN CONSENT
5/15/84	08	3854	ADVANCED TO 3RD READING BY UNAN CONSENT
5/15/84	11	3855	ACTION NO. 007 RESCINDED BY DIV 23-14-84
5/15/84	12	3856	L&C AS ADOPTED BY DIV 20-19-84
5/15/84	13	0000	ADVANCED TO 3RD READING BY UNAN CONSENT
5/15/84	09	3854	THIRD READING
5/15/84	10	3854	RETURNED TO 2ND READING BY DIV 22 17-84
5/15/84	14	3857	FAILED BY DIV 20-19-84
5/15/84	15	3857	NOTICE OF RECONSIDERATION GIVEN
5/15/84	16	3858	POSTPONED UNTIL 05/17/84 BY UNAN CONSENT
5/17/84	17	3899	PASSED ON RECONSIDERATION BY DIV 26 12-82
5/17/84	18	3899	EFFECTIVE DATE PASSED BY DIV 33-00 82
***	**	**	*** **

DATE	SEQ	PAGE	LEGISLATIVE ACTION
5/18/84	19	3149	FIRST READING -- COMMITTEE REPORTS
5/21/84	20	3272	L&C -- CS05
5/31/84	21	3425	RLS -- OTHERS
			TAKEN UP IMMEDIATELY
7/5/84	22	3432	POSTPONED UNTIL 23/31/84 BY UNAN CONSENT
7/9/84	23	3455	SECOND READING
7/17/84	24	3455	ADVANCED TO 3RD READING BY UNAN CONSENT
8/1/84	25	3455	THIRD READING
7/31/84	26	3422	APPEL BY DIV 17-01-84
7/31/84	27	3422	EFFECTIVE DATE NOT SAME AS PASSED
***	**	**	*** **

COMMITTEE REPORT

SENATE

FURTHER:

Date 4/2/89

Mr. President

The Committee on LABOR AND COMMERCE considered SEN. 716 (SAC)

Board of Pharmacy; etc.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

MSG 84-00048432 PRTY 1 5/24/84 15:17:19 ORIG: L... IN= 0008 OUT= 0010
FROM: ANCHORAGE TO: TOM/FINAL STATS
TARGET: LJVH SUBJ: (S) LABOR & COMMERCE, T/C, 5/24

LEGISLATIVE TELECONFERENCE NETWORK SIGN-IN SHEET

DATE: MAY 24, 1984
SITE: ANCHORAGE
SPONSOR/SUBJECT: (S) LABOR & COMMERCE, HB 705, 716, 720

...4..TESTIFIED *****T/C STARTED: 1:30
...10..OBSERVED *****T/C ENDED: 3:00
...14..TOTAL

TESTIFIED

1. CHUCK RUSH/PHARMACY, 1345 W. 11TH AVE., 99501, 272-6431
2. BARB HILL/REAL ESTATE, 1343 G STREET, 276-7909
3. GRAYCE OAKLEY/REAL ESTATE, 2458 SPRUCEWOOD, 272-5151
4. JIM MAGOWAN/REAL ESTATE, 563-2169

OBSERVED

1. JOY DONELSON/PHARMACY, 908 R., 561-1964
2. BILL JANSON/PHARMACY, SRA BOX 562, 345-7606
3. BETTY LOU CIPRIN/REAL ESTATE, 2002 E. 37TH, 99508, 561-1171
4. JOHN BENSON/REAL ESTATE, KETCHIKAN, 225-9651
5. LAVERNE F. COLLINS, P.O. BOX 102751, 276-1299
6. KAREN MORRIS/REAL ESTATE, 2061 AIRPORT WAY, 452-1978 (FAIRBANKS?)
7. GIL SERRANO, 600 E. NORTHERN LIGHTS, 278-9607
8. JEAN A. MILLER/REAL ESTATE, 563-2169
9. DAVE RIBACCONI/REAL ESTATE, 2531 BANBURY, 99504, 337-7238
10. GEORGE OLIVER/REAL ESTATE, 8411 E. 12 COURT, 333-1247

SCS CSHB 716 (L&C)

SENATE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE HOUSE BILL 716 (L&C) REESTABLISHES THE BOARD OF PHARMACY FOR ANOTHER 4 YEARS. THIS BOARD HAS ACTED IN THE PUBLIC BEST INTEREST AND SHOULD BE ALLOWED TO CONTINUE TO PERFORM THIS VALUABLE SERVICE.

THIS LEGISLATION ALSO ALLOWS THE BOARD TO HIRE AN EXECUTIVE SECRETARY TO ASSIST IN REGULATING CONTROLLED SUBSTANCES AS DIRECTED IN AS 17.30. THE CONTROLLED SUBSTANCE ACT, EFFECTIVE JANUARY 1, 1983, MANDATES THE BOARD OF PHARMACY TO IMPLEMENT THIS ACT. BUT UNLESS THE BOARD HAS THE ASSISTANCE AND EXPERTISE OF A FULL-TIME PROFESSIONAL TRAINED IN THE FIELD OF CONTROLLED SUBSTANCES, THE LEGISLATURE CANNOT EXPECT THE BOARD OF PHARMACY TO ADEQUATELY REGULATE CONTROLLED SUBSTANCES WITHIN THE STATE.

I RECOMMEND PASSAGE OF SCS CSHB 716 (L&C).

ADDITIONAL INFORMATION

ALASKA IS NUMBER ONE IN THE NATION FOR PER CAPITA USE OF PRESCRIPTION COCAINE. THE EXECUTIVE SECRETARY POSITION WILL ALLOW THE STATE TO TRACK AND MONITOR THE USE OF PRESCRIPTION DRUGS MORE ACCURATELY.

Sitka Drug, Inc.

SITKA, ALASKA 99835

HARRY RACE DRUG
BOX 1480
(907) 747-8666

FRY'S PHARMACY
BOX 699
(907) 747-5755

3.5.84

Rep. Robt. Bettisworth (Chairman)
Legist. Budget & Audit Committee
Pouch V
Juneau, Alaska 99811

Dear Rep. Bettisworth:

I understand the Alaska Pharmacy Board is coming up for Sunset review in the next few days. As a recent member of the board I would like to forward to you a few observations, that to me were upsetting, for your consideration.

The Pharmacy Board was mandated in AS 17.30 & AS 17.35 to perform certain duties concerning the controlled substances and marijuana research. You will find that these duties have either not been done or have been done poorly. The reason will be given to you by the former Board President, Vice-president, Secretary or by reviewing the Board minutes.

We on the Board were excited about bring^{ing} the State of Alaska upto date in the drug field and with planning and enthusiasm set about our task. It was then that we found that if the Director of the Division does not want you to do it, you will not do it. Funding that was authorized was not provided, personnel was not provided as requested and authorized, personnel was switched so there was no expertise developed & in general Board requests were simply ignored.

My second observation is that when the Board is audited yearly the audit could well be biased. The auditing body (state employees) are more likely to look critically as non-state employees (State Boards) than at fellow state employees (Div. of Occ. Lic.) on issues that bring a confrontation. Might it not be better for the state to have some representation on the audit committee that is selected by a non-state group such as the State Chamber of Commerce?

Thank you for considering my comments. I really feel that if the Boards are not going to be allowed to function as they should, then they definately should be eliminated.

Cordially yours,



Sid Fry - Reg. Pharm.

cc- Sen. Dick Eliason

Letter of Support

Please ck this out ✓

MSG 84-00021684 PRTY 1 03/07/84 10:26:47 ORIG: LS00 IN= 0008 OUT= 0038
FROM: SITKA TO: JUNEAU
TARGET: LJHK SUBJ: POM 3

TO: SENATOR ELIASON AND REPRESENTATIVE BETTISWORTH (CHAIRMAN LEGISLATIVE BUDGET & AUDIT COMMITTEE)

FROM: SIDNEY J. FRY, REPRESENTING SITKA DRUG, INC. & PHARMACY IN GENERAL
BOX 1480
SITKA, AK 99835
(H)747-8059 (W)747-8666

RE: LEG. BUDGET & AUDIT REVIEW OF ALASKA STATE BOARD OF PHARMACY & SB 434

LOOK IN DEPTH AT FACTORS INFLUENCING THE BOARD'S ABILITY TO ACT. WAS THE BOARD EVER GIVEN THE PERSONNEL & FUNDING THAT THE LEGISLATURE MANDATED IN AS 17.30 & AS 17.35? DOES THE DIRECTOR OF OCCUPATIONAL LICENSING REALLY HAVE THE EXPERTISE TO OVER-RIDE OR IGNORE THE BOARDS ACTIONS IN FOLLOWING THE LEGISLATIVE MANDATE? SHOULDN'T, AS IN OTHER STATES, THE BOARD BE THE BETTER ONE TO SELECT AND DIRECT THE PERSON THAT WILL CARRY OUT THE MANDATE? IF YOU ALLOW OCC. LIC. TO OVER-RIDE OR IGNORE THE PHARMACY BOARD'S ACTIONS IN FOLLOWING THE LEGISLATIVE MANDATE, THEN PLEASE ELIMINATE THE PHARMACY BOARD AS THESE MEMBERS ARE THERE TO PRODUCE NOT TO RUBBER STAMP A STATE BUREAUCRACY.

SITKA LIO, 3/7, 21684**

word, statement, or other information also appears on the outside container or wrapper of the retail package, if there is one, or is easily legible through the outside container or wrapper;

(11) "labeling" means the label and other written, printed or graphic matter upon an article or its container or wrapper accompanying the article;

(12) "new drug" means a drug the composition of which is such that it is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs as safe for use under the conditions prescribed, recommended, or suggested in the labeling of it; or a drug the composition of which is such that the drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in these investigations, been used to a material extent or for a material time under those conditions;

(13) "official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or supplements to them. (§ 2(a) — (k) (m) — (p) (r) ch 129 SLA 1949; am § 6 c/ 104 SLA 1971; am § 14 ch 208 SLA 1975; am Executive Order No. 51, § 41 (1981))

Revisor's notes. — This section was reorganized in 1983 to alphabetize the words defined.

Effect of amendments. — The 1981 amendment repealed former definitions of

"commissioner" and "department"

Collateral references. — Marijuana, psilocybin, peyote or similar drugs of vegetable origin as narcotics for purposes of drug prosecution, 50 ALR3d 1164.

Sec. 17.20.380. Short title. This chapter may be cited as the Alaska Food, Drug and Cosmetic Act. (§ 1 ch 129 SLA 1949)

Chapter 30. Controlled Substances.

Article

1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances (§§ 17.30.010 — 17.30.080)
2. Enforcement Forfeiture and Review Provisions (§§ 17.30.100 — 17.30.130)
3. Education and Research (§ 17.30.140)
4. General Provisions (§§ 17.30.150 — 17.30.000)

Cross references. — For transitional provisions, see sec. 24, ch. 45, SLA 1982 in the Temporary and Special Acts; for declaration of legislative purpose, see sec. 1, ch. 45, SLA 1982 in the Temporary and Special Acts.

Collateral references. — 28 C.J.S.,

Drugs and Narcotics Supplement, § 4 et seq.

Construction or provision of Uniform Narcotic Drug Act or similar statute dealing with obtaining or procuring the administration of a narcotic drug by fraud or deceit, 25 ALR3d 1118.

Article 1. Regulation of Manufacture, Distribution, Prescription, and Dispensing of Controlled Substances.

Section

10. Regulations
20. Registration requirements
30. Registration
40. Denial, revocation, and suspension of registration
50. Order to show cause

Section

60. Records of registrants
70. Order forms; prescriptions
80. Unlawful administration, prescription and dispensation of controlled substances

Collateral references. — 25 Am Jur 2d, Drugs, Narcotics, and Poisons, §§ 7 et seq., 28 et seq.

Sec. 17.30.010. Regulations. (a) The Board of Pharmacy shall adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary for the administration of this chapter, and may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances as authorized by federal law in the state.

(b) Regulations adopted under this chapter by the board shall be patterned after federal law so that the legitimate manufacture, distribution, and dispensing of controlled substances is subject to regulations regarding registration, record keeping, order forms and prescription requirements that are identical to those required by federal law or regulations. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information on from any application, report, record, or other document required to be kept or filed under this chapter, see AS 11.71.010(a)(8). For penalty for failure to make, keep, or furnish any record, notification, order form, statement, invoice, or information

required under this chapter, see AS 11.71.050(a)(4).

Editor's notes. — Section 24, ch. 45, SLA 1982 provides: "Orders issued and regulations adopted under a law amended or repealed by this Act and in effect on January 1, 1983, and not in conflict with this Act continue until amended or repealed."

Sec. 17.30.020. Registration requirements. (a) A person who manufactures, distributes, dispenses, or conducts research with a controlled substance in the state or who proposes to manufacture, distribute, or dispense a controlled substance in the state, shall register annually with the board in accordance with regulations adopted under AS 17.30.010.

(b) A person registered under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by the person's registration and in conformity with the other provisions of this chapter.

(c) The following persons may lawfully possess controlled substances under this chapter without registration:

(1) an agent or employee of a registered manufacturer, distributor, dispenser, or researcher of a controlled substance so long as the possession is incidental to the usual course of the agent's or employee's business or employment;

(2) a common or contract carrier or warehouseman, or the carrier's or warehouseman's employee, whose possession of a controlled substance is in the usual course of the carrier's, warehouseman's, or employee's business or employment;

(3) an ultimate user or a person in possession of a controlled substance under a lawful order of a registered practitioner or in lawful possession of a schedule VA controlled substance.

(d) The board may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with public health and safety.

(e) A separate registration is required for each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or application for registration in accordance with regulations adopted by the board. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for refusal of entry into a premises for an inspection authorized under this chapter, see AS 11.71.060(a)(6); for schedule VA substance, see AS 11.71.180.

Sec. 17.30.030. Registration. (a) The board shall register an applicant to manufacture, distribute, or dispense controlled substances listed in the schedules established under federal law unless it finds that the registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) a conviction of the applicant under federal or state laws relating to controlled substances;

(4) past experience in the manufacture, distribution, or dispensing of controlled substances and the existence in the applicant's establishment of effective controls against diversion of controlled substances

into other than legitimate medical, scientific, or industrial channels:

(5) furnishing by the applicant of false information in an application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) A practitioner registered under federal law to conduct research with controlled substances shall be issued a registration to conduct research with these substances in the state if the practitioner furnishes the board with evidence of the federal registration.

(c) A manufacturer, distributor, or dispenser who complies with federal law pertaining to registration requirements other than fees is entitled to be registered under this chapter. (§ 4 ch 45 SLA 1982)

Sec. 17.30.040. Denial, revocation, and suspension of registration. (a) A registration applied for or issued under AS 17.30.030 to manufacture, distribute, dispense, or conduct research with a controlled substance may be denied, suspended, or revoked by the board upon a finding that

(1) the registrant has furnished false or fraudulent material information in an application filed under this chapter;

(2) the registrant has been convicted of a felony offense under state or federal law; or

(3) the registrant's federal registration to manufacture, distribute, dispense, or conduct research with controlled substances has been denied, suspended, or revoked.

(b) The board may limit the denial, revocation, or suspension of a registration to a particular controlled substance with respect to which grounds for denial, revocation, or suspension exist.

(c) If the board denies, suspends, or revokes a registration, all controlled substances owned or possessed by the registrant at the time of the denial or suspension or the effective date of the revocation order may be placed under seal by the board or the Department of Public Safety and remain in the custody of the department, subject only to the orders and decrees of a court having jurisdiction over the property. A disposition may not be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. After a revocation order is final, all controlled substances held by the registrant are forfeited to the state.

(d) The board shall promptly notify the Drug Enforcement Administration of the United States Department of Justice of all orders denying, suspending, or revoking registrations and of all forfeitures of controlled substances. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from application, see AS 11.71.040(a)(8).

Sec. 17.30.050. Order to show cause. (a) Before denying, suspending, or revoking a registration, or refusing a renewal of a registration, the board shall serve upon the applicant or registrant an order to show cause why a registration should not be denied, revoked, or suspended, or why a renewal should not be refused. The order to show cause shall contain a statement of the basis for issuance of the order and shall require the applicant or registrant to appear before the board at a time and place not less than 30 days after the date of service of the order. For a refusal of renewal of registration the show cause order must be served not later than 30 days before the expiration of the registration. These proceedings must be conducted in accordance with procedures for administrative adjudication under AS 44.62.330 — 44.62.630 without regard to criminal prosecution or other proceeding. Proceedings to refuse renewal of registration do not make the existing registration void. The existing registration remains in effect pending the outcome of the administrative hearing.

(b) The board may, without an order to show cause, suspend a registration simultaneously with the institution of proceedings under AS 17.30.040 if it finds that there is an imminent danger to the public health or safety which warrants this action. The suspension continues in effect until the conclusion of the proceedings, including judicial review of the proceedings, unless withdrawn by the board or dissolved by a court of competent jurisdiction. (§ 4 ch 45 SLA 1982)

Sec. 17.30.060. Records of registrants. A person registered to manufacture, distribute, dispense, or conduct research with controlled substances under this chapter shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of federal law and in conformance with additional regulations adopted by the board. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for furnishing false or fraudulent information in or omitting material information from records required to be kept under this chapter, see AS 11.71.040(a)(8); for penalty for failure to make, keep, or furnish records required by this chapter, see AS 11.71.050(a)(4).

Sec. 17.30.070. Order forms; prescriptions. (a) A controlled substance may be distributed by one registrant to another registrant only if the distribution is in accordance with federal requirements for order forms.

(b) A controlled substance may not be dispensed by a practitioner other than in accordance with federal requirements regarding prescriptions for controlled substances.

(c) If the classification of a controlled substance in a schedule set out in AS 11.71.140 — 11.71.190, or by a regulation adopted in accordance

with AS 11.71.120(a), is different from its corresponding classification under federal law, the requirements of (a) and (b) of this section are determined by the classification of the substance under federal law. (§ 4 ch 45 SLA 1982)

Cross references. — For penalty for failure to make, keep, or furnish order forms required under this chapter, see AS 11.71.050(a)(4); authorize adoption of regulations classifying controlled substances AS 11.71.120(a) does, however, authorize recommendations for legislation to classify controlled substances.

Editor's notes. — AS 11.71.120(a), referred to in subsection (c), does not

Sec. 17.30.080. Unlawful administration, prescription and dispensation of controlled substances. A controlled substance classified under federal law or in a schedule set out in AS 11.71.140 — 11.71.190 or by regulations adopted in accordance with AS 11.71.120(a) may not be administered, prescribed, dispensed, or distributed other than for a medical purpose. (§ 4 ch 45 SLA 1982)

Editor's notes. — See editor's note to AS 17.30.070.

Article 2. Enforcement Forfeiture and Review Provisions.

Section	Section
100 Cooperative arrangements	120 Petition for sale of seized item
110 Items subject to forfeiture	122 State disposal of forfeited property
112 Proceedings resulting in forfeiture	124 Remittance to claimant
114 Seizure and custody of property	126 Forfeiture of controlled substances
116 Procedure for forfeiture action	130 Judicial review
118 Petition for release of seized items	

Collateral references. — 25 A. Jur. 2d, Drugs, Narcotics, and Poisons, § 27, 40 et seq.

Sec. 17.30.100. Cooperative arrangements. (a) The commissioner of public safety shall cooperate with other state and federal agencies in the discharge of their responsibilities pertaining to illicit traffic in controlled substances and in suppressing the abuse of controlled substances. Under this section, the powers of the commissioner of public safety include but are not limited to the following:

(1) arranging for the exchange of information among government officials concerning illicit traffic in and abuse of controlled substances;

(2) coordinating training programs pertaining to controlled substances at both local and state levels; and

(3) cooperating with the Drug Enforcement Administration of the United States Department of Justice by establishing a centralized unit to accept, catalog, file, and collect statistics, including records of persons who have violated the provisions of this chapter or AS 11.71 in the state and making the information available for federal, state, and local law enforcement purposes.

(b) The commissioner of public safety may not furnish the name or identity of a patient or research subject whose identity could not be obtained under AS 17.30.155, (S 4 ch 45 SLA 1982)

Sec. 17.30.110. Items subject to forfeiture. The following may be forfeited to the state:

(1) a controlled substance which has been manufactured, distributed, dispensed, acquired, or possessed in violation of this chapter or AS 11.71;

(2) raw materials, products, and equipment which are used or intended for use in manufacturing, distributing, compounding, processing, delivering, importing, or exporting a controlled substance which is a felony under this chapter or AS 11.71;

(3) property which is used or intended for use as a container for property described in (1) or (2) of this section;

(4) a conveyance, including but not limited to aircraft, vehicles or vessels, which has been used or is intended for use in transporting or in any manner in facilitating the transportation, sale, receipt, possession, or concealment of property described in (1) or (2) of this section in violation of a felony offense under this chapter or AS 11.71; however,

(A) a conveyance may not be forfeited under this paragraph if the owner of the conveyance establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the owner was neither a consenting party nor privy to the violation;

(B) a forfeiture of a conveyance encumbered by a valid security interest at the time of seizure is subject to the interest of the secured party if the secured party establishes, by a preponderance of the evidence, at a hearing before the court as the trier of fact, that use of the conveyance in violation of this chapter or AS 11.71 was committed by another person and that the secured party was neither a consenting party nor privy to the violation;

(5) books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used in violation of this chapter or AS 11.71;

(6) money, securities, negotiable instruments, or other things of value used in financial transactions derived from activity prohibited by this chapter or AS 11.71; and

(7) a firearm which is visible, carried during, or used in furtherance of a violation of this chapter or AS 11.71. (S 4 ch 45 SLA 1982)

Revisor's notes. — AS 17.30.110(b) — (q) were renumbered as AS 17.30.112 — 17.30.126 in 1983.

NOTES TO DECISIONS

Former forfeiture statute construed. 1265 (1977), decided under former AS — See *One Cocktail Glass v. State*, Sup. 17 42 130. Ct. Op. No. 1437 (File No. 2729), 565 P.2d

Collateral references. — Forfeiture of personal property used in illegal manufacturing, processing, or sale of controlled substances under § 511 of Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 USC § 881), 59 ALR Fed. 765

Sec. 17.30.112. Proceedings resulting in forfeiture. (a) Property listed in AS 17.30.110 may be forfeited to the state either upon conviction of the defendant of a violation of this chapter or AS 11.71, or upon judgment of a court in a separate civil proceeding in rem. The court may order a forfeiture in the in rem proceeding if it finds that an item specified in AS 17.30.110 was used during or in aid of a violation of this chapter or AS 11.71.

(b) It is not a defense in an in rem proceeding brought under this section that a criminal proceeding has resulted in a conviction or conviction of a lesser offense for a violation of this chapter or AS 11.71. (S 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(b) and (c). Renumbered in 1983.

Sec. 17.30.114. Seizure and custody of property. (a) Property listed in AS 17.30.110 may be seized by a peace officer upon an order issued by a court having jurisdiction over the property upon a showing of probable cause that the property may be forfeited under AS 17.30.110. Seizure without a court order may be made if

(1) the seizure is incident to a valid arrest or a search under a valid search warrant;

(2) the property subject to seizure has been the subject of an earlier judgment in favor of the state in a criminal proceeding or civil proceeding in rem under this chapter or AS 11.71; or

(3) there is probable cause that the property was used, is being used, or is intended for use, in violation of this chapter or AS 11.71 and the property is easily movable; property seized under this paragraph may not be held for more than 48 hours without a court order obtained to continue its detention.

(b) Property taken or detained under (a) of this section shall be held in the custody of either the commissioner of public safety or a munic-

pal law enforcement agency authorized by the commissioner of public safety to retain custody of property listed in AS 17.30.110 except only to the orders and decrees of the court having jurisdiction over any forfeiture proceedings. If property is seized under this chapter, the commissioner of public safety or an authorized municipal law enforcement agency may

- (1) place the property under seal;
- (2) remove the property to a place designated by the court; or
- (3) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(c) Within 10 days after a seizure under AS 17.30.110 — 17.30.126, the commissioner of public safety shall make an inventory of any property seized, including controlled substances, and shall appraise the value of any items seized other than controlled substances. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(d) — (f). Renumbered in 1983.

Sec. 17.30.116. Procedure for forfeiture action. (a) Within 20 days after a seizure under AS 17.30.110 — 17.30.126, the commissioner of public safety shall, by certified mail, notify any person known to have an interest in an item with an appraised value of \$500 or more, or who is ascertainable from official registration numbers, licenses, or other state, federal or municipal numbers on the item, of the pending forfeiture action. Additionally, the commissioner of public safety shall publish notice of forfeiture action of an item valued at \$500 or more in a newspaper of general circulation in the judicial district in which the seizure was made, or if no newspaper is published in that judicial district, in a newspaper published in the state and distributed in that judicial district. The notice shall be published once each week during four consecutive calendar weeks. The requirements of this subsection do not apply to the forfeiture of controlled substances which have been manufactured, distributed, dispensed, or possessed in violation of this chapter or AS 11.71, regardless of their value.

(b) Upon service or publication of notice of commencement of a forfeiture action under this section, a person claiming interest in the property shall file within 30 days after the service or publication, a notice of claim setting out the nature of the interest, the date it was acquired, the consideration paid, and an answer to the state's allegations. If a claim and answer is not filed within the time specified, the property described in the state's allegation must be ordered forfeited to the state without further proceedings or showings.

(c) Questions of fact or law raised by a notice of forfeiture action and answer of a claimant in an action commenced under this section must be determined by the court sitting without a jury. This proceeding may be held in abeyance until conclusion of any pending criminal charges

against the claimant under this chapter or AS 11.71. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(g) — (i). Renumbered in 1983 under this chapter, see AS 11.71.050(a)(4).
Cross references. — For penalty for

Sec. 17.30.118. Petition for release of seized items. (a) A claimant under AS 17.30.116(b) may at any time petition for release of a seized item as follows:

- (1) to a court in which a warrant for seizure has been issued;
- (2) to a court in which a criminal or civil action alleging forfeiture of the item has been filed; or
- (3) before an action is filed, or if no seizure warrant was issued, to a court in the judicial district in which the violation took place.

(b) An item may not be released by the court under (a) of this section unless the claimant gives adequate assurance that the item will remain subject to the court's jurisdiction and

- (1) the court finds that the release is in the best interests of the state; or
- (2) the claimant provides a bond or other valid and equivalent security equal to twice the assessed value of the item. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(j) and (k). Renumbered in 1983.

Sec. 17.30.120. Petition for sale of seized item. A claimant may petition the court for sale of an item before final disposition of court proceedings. The court shall grant a petition for sale upon a finding that the sale is in the best interests of the state and the preservation and maintenance of the item seized. Proceeds from the sale plus interest to the date of final disposition of the court proceedings become the subject of the forfeiture action. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(l). Renumbered in 1983.

Sec. 17.30.122. State disposal of forfeited property. Property forfeited under AS 17.30.110 — 17.30.126 other than controlled substances shall be disposed of by the commissioner of administration in accordance with applicable law. The commissioner of administration may

- (1) destroy property harmful to the public;
- (2) sell the property and use the proceeds for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, custody, and court costs.

(3) take custody of the property and authorize its use in the enforcement of this chapter or AS 11.71, or transfer it to another agency of the state or a political subdivision of the state for a use in furtherance of the administration of justice;

(4) take custody of the property and remove it for disposition in accordance with law;

(5) forward it to the Drug Enforcement Administration of the United States Department of Justice for disposition; or

(6) transfer ownership of an aircraft to the Alaska Wing, Civil Air Patrol. (§ 4 ch 45 SLA 1982; am § 2 ch 18 SLA 1983)

Revisor's notes. — Formerly AS 17.30.110(m); Renumbered in 1983.

Effect of amendments. — The 1983 amendment added paragraph (6).

Sec. 17.30.124. Remittance to claimant. (a) Upon a showing that a claimant is entitled to remittance under AS 17.30.110 — 17.30.126, the court shall order that

(1) if the claimant is entitled to the item, it shall be delivered to the claimant immediately;

(2) if the claimant is entitled to remittance of some value less than the total value of the item, the claimant is entitled, at the claimant's choice, to receive either the value of the claimant's interest or, upon receipt of payment of the difference in value by the claimant, the entire item;

(b) An offender who used an item subject to remission in violation of this chapter or AS 11.71 shall be assessed a fine which may not be less than the cost of any lien payment or remittance made by the state plus the reasonable costs of the seizure. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(n) and (o); Renumbered in 1983.

Sec. 17.30.126. Forfeiture of controlled substances. (a) A controlled substance manufactured, possessed, transferred, sold, or offered for sale in violation of this chapter or AS 11.71 is contraband and must be seized and summarily forfeited to the state. The commissioner of public safety or the commissioner's designee, including a municipal law enforcement agency authorized under AS 17.30.114(b) of this section to retain custody of controlled substances, is responsible for the disposal of controlled substances which have been forfeited. The controlled substances shall be disposed of in accordance with procedure and requirements prescribed by the commissioner.

(b) Plants from which controlled substances may be derived and which have been planted or cultivated in violation of this chapter or AS 11.71, or which are grown in the wild, may be seized and summarily forfeited to the state. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Formerly AS 17.30.110(p) and (q); Renumbered in 1983.

Sec. 17.30.130. Judicial review. A final determination, finding, or conclusion of the board under this chapter or a regulation adopted under it is a final decision of the matter involved. A person aggrieved by a decision may obtain review of the decision in the superior court in accordance with AS 44.62.560 — 44.62.570. However, a person is not entitled to a hearing de novo in the superior court. (§ 4 ch 45 SLA 1982)

Article 3. Education and Research.

Section

140. Education and research

Sec. 17.30.140. Education and research. (a) The commissioner of health and social services shall provide for educational programs designed to prevent and deter the abuse of controlled substances. In connection with these programs, the commissioner may

(1) assist the regulated industry and interested groups and organizations in contributing to the reduction of abuse of controlled substances;

(2) promote better recognition of the problems surrounding abuse of controlled substances within the regulated industry and among interested groups and organizations;

(3) consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(4) evaluate procedures, projects and techniques conducted or proposed as part of educational programs on abuse of controlled substances;

(5) disseminate the results of research on abuse of controlled substances to promote a better public understanding of the problems which exist and their solutions; and

(6) with the cooperation of the Department of Law, assist in the education and training of state and local law enforcement officials in their efforts to prevent illicit traffic in and abuse of controlled substances.

(b) The commissioner of health and social services shall encourage research on controlled substances and may

(1) establish methods to assess the effects of controlled substances and identify and characterize those with potential for abuse;

(2) make studies and undertake research to

(A) develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter;

(B) determine patterns of abuse of controlled substances and their social effects; and

(C) improve methods for preventing, predicting, and understanding the abuse of controlled substances;

(3) enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for conducting research, demonstrations, or special projects which bear directly on abuse of controlled substances and for related research and educational activities. (§ 4 ch 45 SLA 1982)

Article 4. General Provisions.

Section

- 150 Reliance on drug enforcement administration
- 155 Confidentiality of certain information
- 900 Definitions

Sec. 17.30.150. Reliance on drug enforcement administration. Results, information, and evidence received from the Drug Enforcement Administration of the United States Department of Justice relating to the regulatory functions of this chapter, including results of inspections conducted by it, may be relied on and acted on by the board in the exercise of its regulatory functions under this chapter. (§ 4 ch 45 SLA 1982)

Revisor's notes. — As enacted, this section contained a subsection (b), but the provisions of that subsection were renumbered as AS 17.30.155.

Sec. 17.30.155. Confidentiality of certain information. A practitioner engaged in medical practice or research may not furnish the name or identity of a patient or research subject to the board. The practitioner may not otherwise disclose the name or identity of an individual that the practitioner is required to keep confidential unless ordered by a court to disclose it within the context of a criminal investigation or proceeding. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Enacted as AS 17.30.150(b). Renumbered in 1982.

Sec. 17.30.900. Definitions. (a) Unless the context clearly requires otherwise, the definitions set out in AS 11.71.900 apply to this chapter.

(b) In this chapter, "board" means the Board of Pharmacy provided for in AS 08.80.910. (§ 4 ch 45 SLA 1982)

Revisor's notes. — Enacted as AS 17.30.160. Renumbered in 1982.
Collateral references. — Marijuana, psilocybin, peyote or similar drugs of vegetable origin as narcotics for purposes of drug prosecution, 50 ALR2d 1161.

Chapter 35. Marijuana Therapeutic Research Program.

Section

- 10 Legislative purpose
- 20 Marijuana therapeutic research program
- 30 Patient qualification review committee

Section

- 40 Sources, distribution and possession of marijuana
- 50 Report to the governor and legislature
- 500 Definitions

Cross references. — For declaration for legislative purpose, see § 1, ch 45, SLA 1982 in the 1982 Temporary and Special Acts and Resolves.

Sec. 17.35.010. Legislative purpose. The legislature finds that recent research has shown that the use of marijuana may alleviate the nausea and ill effects of cancer chemotherapy and radiology, and, additionally, may alleviate the ill effects of glaucoma. The legislature further finds that there is a need for further research and experimentation regarding the use of marijuana under strictly controlled circumstances. (§ 5 ch 45 SLA 1982)

Sec. 17.35.020. Marijuana therapeutic research program. (a) A therapeutic research program is established in the Board of Pharmacy. The program shall be administered by the board. The board shall adopt regulations necessary for the proper administration of this chapter. Before adopting regulations, the board shall consider pertinent regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the federal Food and Drug Administration, and the National Institute on Drug Abuse.

(b) Except as provided in AS 17.35.030(e), the therapeutic research program is limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the Patient Qualification Review Committee by a practitioner. A patient may not be admitted to the therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment.

(c) The board shall provide by regulation for a program of registration of therapeutic research projects. (§ 5 ch 45 SLA 1982)

Sec. 17.35.030. Patient qualification review committee. (a) The board shall appoint a Patient Qualification Review Committee to serve at its pleasure. The committee shall consist of four members with the following qualifications:

- (1) two physicians licensed to practice medicine in the state, one of whom specializes in the practice of ophthalmology;

(2) a physician licensed to practice medicine in the state who specializes in the practice of psychiatry; and

(3) a physician licensed to practice medicine in the state who specializes in the practice of radiology.

(b) Members of the Patient Qualification Review Committee receive no salary but are entitled to per diem for travel and expenses authorized by law for boards and commissions.

(c) The Patient Qualification Review Committee shall review all applicants for the therapeutic research program and their licensed practitioners and certify their participation in the program.

(d) The Patient Qualification Review Committee and the board shall protect the privacy of individuals who participate in the therapeutic research program by withholding the names and other identifying characteristics of those individuals from all persons who are not connected with the research. Persons authorized to engage in research under the therapeutic research program may not be compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted unless necessary to permit the board to determine whether the research is being conducted in accordance with the authorization.

(e) The Patient Qualification Review Committee may include other disease groups for participation in the therapeutic research program. However, a practitioner must present pertinent medical data to both the committee and the board before a disease group may be added. The participation of a disease group must be approved by the board consistent with applicable regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the federal Food and Drug Administration, and the National Institute on Drug Abuse. (§ 5 ch 45 SLA 1982)

Sec. 17.35.040. Sources, distribution, and possession of marijuana. (a) A patient who is certified to participate in the therapeutic research program by the Patient Qualification Review Committee may obtain and possess marijuana, its derivatives, or its active ingredients, whether synthetic or natural, for the patient's own use.

(b) The board shall establish procedures by which a person authorized under this section to possess marijuana, its derivatives or active ingredients, whether synthetic or natural, may do so, subject to applicable regulations adopted by the Drug Enforcement Administration of the United States Department of Justice, the United States Food and Drug Administration, and the National Institute on Drug Abuse. (§ 5 ch 45 SLA 1982)

Sec. 17.35.050. Report to the governor and legislature. The board, in conjunction with the Patient Qualification Review Committee, shall report its findings and recommendations to the governor and the legislature regarding the effectiveness of the therapeutic research program by March 1, 1984. (§ 5 ch 45 SLA 1982)

Sec. 17.35.500. Definitions. In this chapter

(1) "board" means the Board of Pharmacy;

(2) "marijuana" has the meaning set out in AS 11.71.900(14);

(3) "practitioner" means a physician authorized to practice medicine in the state under AS 08.64. (§ 5 ch 45 SLA 1982)

Revisor's notes. — Enacted as AS 17.35.060. Renumbered in 1982.

Budget breakdown re: Pharmacy Bd

ANALYSIS OF DIVISION OF OCCUPATIONAL LICENSING
DIRECT SUPPORT TO LICENSING AREAS FOR FISCAL YEAR 1983

Board	Personal Services ^{1.}	Travel Per Diem	Contractual	Commodities	Total *	Number of Active Licensees on 6/30/83	FY '83 Revenues
Athletic Commission	951.53	-0-	107.65	-0-	1,059.18	45	610.00
AELS	29,269.51	19,021.86	31,295.24	613.00	80,199.61	3679	85,195.00
Barbers & Haidressers	22,202.48	7,659.54	7,500.06	-0-	37,362.08	2541	122,375.00
Chiropractors	3,023.31	12,890.89	1,543.80	-0-	17,458.00	89	5,510.00
Collection Agencies	5,003.91	-0-	78.70	-0-	5,082.61	59	4,920.00
Concert Promoters	302.34	-0-	8.50	-0-	310.84	19	6,295.00
Contractors	22,372.53	-0-	4,228.19	-0-	26,600.72	6911	361,640.50
Dental Board	13,604.92	12,823.90	41,546.90	101.94	68,077.66	619	24,726.35
Dispensing Opticians	3,488.96	4,773.04	1,202.54	-0-	9,469.54	49	2,030.00
Electrical	7,558.29	7,718.94	7,727.30	-0-	23,004.53	390	95,886.00
Geologist	302.33	-0-	-0-	-0-	302.33	103	-0-
Guides	15,011.75	16,434.10	5,013.00	-0-	36,458.85	1215	45,607.20
Marine Pilots	13,343.78	6,543.06	1,433.70	-0-	21,320.54	68	20,420.00
Medical Board	15,116.58	15,307.93	5,423.07	49.80	35,897.38	1164	103,264.00
Morticians	1,585.89	-0-	372.67	-0-	1,958.56	102	5,645.00
Nursing	28,546.05	12,041.80	11,995.97	17.00	52,600.82	5395	121,041.82
NIAA	1,511.65	268.00	791.06	16.05	2,586.76	22	3,020.00
Optometry	3,488.96	3,392.60	1,308.29	-0-	8,189.85	45	1,410.00
Pharmacy	9,069.94	10,268.75	1,600.11	343.70	21,282.50	438	8,362.00
Physical Therapy	1,585.39	5,778.35	846.30	-0-	8,210.54	117	13,195.00
Psychology	4,534.97	11,040.30	1,890.28	-0-	17,465.55	95	4,710.00
Public Accountancy	13,604.92	9,489.00	16,376.85	255.00	39,635.77	648	25,442.00
Veterinary	1,585.89	2,775.98	936.59	-0-	5,298.46	143	5,520.00
Total		158,233.04	115,060.77		525,064.44	23,956	1,066,854.87

ADD TO 1,079,454.87

* does not include director salary plus other support.

- (1) Source: Work up sheets done for FY 82 & 83 for salaries, added 22.6 for benefits.
- (2) Source: FY 83 Computer run of Revenues Received for FY 82 & FY 83.

Budget Breakdown

AGENCY: DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
 CATEGORY: PUBLIC PROTECTION

PROGRAM: OCCUPATIONAL LICENSING
 SUB-PROGRAM: INVESTIGATIONS

FISCAL YEAR 1985

EXPENDITURES & FUNDING	(01) FY83 ACT	(02) FY84 ATH	(05) ADJ BASE	(17) 85 SL 1	(18) 85 SL 2	(19) 85 SL 3	(20) 85 SL 4	(07) GOVERNOR	(08) GOV.AMD.	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS
01 PERS. SERV.	265.2	310.7	325.9	333.2	333.2	333.2		333.2	333.2	333.2	418.1		
02 TRAVEL	23.8	41.1	41.1	41.1	41.1	41.1		41.1	41.1	41.1	55.3	50.0	
03 CONTRACTUAL	128.3	201.7	201.7	193.8	193.8	193.8		193.8	193.8	193.8	214.6		
04 COMMODITIES	6.9	10.1	10.1	10.7	10.7	10.7		10.7	10.7	10.7	11.5		
05 EQUIPMENT	6.1	1.9	1.9	1.9	1.9	1.9		1.9	1.9	1.9	8.5	6.4	
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	430.3	565.5	580.7	580.7	580.7	580.7		580.7	580.7	580.7	708.0	679.0	
09 I-A TRANSFER	1.8	.4		2.3	2.3	2.3		2.3	2.3	2.3	2.3		
10 FED. RECEIPT													
11 G. F. MATCH													
12 GENERAL FUND	430.3	565.5	580.7	580.7	580.7	580.7		580.7	580.7	580.7	708.0		
13 PGM RECEIPTS													
14 OTHER FUNDS													
15 FULL TIME	8.0	8.0	8.0	8.0	8.0	8.0		8.0	8.0	8.0	10.0		
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS		96.0								96.0	120.0		

OPEN

NEW POSITIONS...

TITLE	LOCATION	TYPE	REQ	S&B COST	OTH.COST	TOT.COST	FED.FUND	GEN.FUND	OTH.FUND	GV	HS	SN	FC	FN
1 INVESTIGATOR III	ANCHORAGE	FULL	0	46.3	18.6	64.9		64.9						1
2 INVESTIGATOR III	ANCHORAGE	FULL	0	46.3	23.8	70.1		70.1						1
** NEW POSITION TOTALS			0	92.6	42.4	135.0		135.0						2

NEW POSITION FOOTNOTES...

- 1 WILL PROVIDE INVESTIGATION SUPPORT FOR THE MEDICAL BOARD AND OTHER HEALTH RELATED BOARDS.
- 2 WILL PROVIDE INVESTIGATION SUPPORT FOR THE ARCHITECTS, ENGINEERS AND LAND SURVEYORS BOARD.

Operating Budget for Div Occupational Licensing

AGENCY: DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
 CATEGORY: PUBLIC PROTECTION

PROGRAM: OCCUPATIONAL LICENSING
 SUB-PROGRAM: INVESTIGATIONS

***** SENATE ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: SENATE (\$708.0) VERSUS GOV.AMD. (\$580.7)
01 PERS. SERV.	84.9	25.5%	INCLUDE TEN MONTHS FUNDING FOR NEW INVESTIGATOR POSITIONS.
02 TRAVEL	14.2	34.5%	INCLUDE TRAVEL FUNDS FOR NEW POSITIONS.
03 CONTRACTUAL	20.8	10.7%	INCLUDE CONTRACTUAL FUNDS FOR NEW POSITIONS.
04 COMMODITIES	0.8	7.5%	INCLUDE COMMODITIES FUNDS FOR NEW POSITIONS.
05 EQUIPMENT	6.6	347.4%	INCLUDE EQUIPMENT FUNDS FOR NEW POSITIONS.
** TOTALS	127.3	21.9%	

POSITIONS AUTHORIZED
 TITLE

TITLE	LOCATION	TYPE	APP	S&B COSTS	FED.FUND	GEN.FUND	OTH.FUND
1 INVESTIGATOR III	ANCHORAGE	FULL	1	46.3		46.3	
2 INVESTIGATOR III	ANCHORAGE	FULL	1	46.3		46.3	
** TOTALS			2	92.6		92.6	

LEGISLATIVE INTENT:

IT IS THE INTENT OF THE LEGISLATURE THAT THE NEW INVESTIGATOR POSITION BE ASSIGNED PRIMARILY TO THE MEDICAL BOARD. AS TIME ALLOWS, THE POSITION MAY PROVIDE INVESTIGATION SUPPORT FOR THE OTHER HEALTH RELATED BOARDS.

***** HOUSE ANALYSIS *****

NO NEW POSITIONS AUTHORIZED.