

SB

140

<TARGET><BILL>SB 140</BILL><SUBJECT>SB
140</SUBJECT><COMM>SJUD27</COMM></TARGET>

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Joe Paskvan
Senator John Coghill

Senate Judiciary Committee

SB140 Cathinone Bath Salts Changes from Version B to Version I.

New Sections 1 and 2 were added to the bill to amend the penalties for the cathinone substances listed in the original bill.

In Section 1, sales, distribution, manufacture, and possession of 500 milligrams or more of the substances remain classified as Misconduct involving a Controlled Substance (MICS) in the 4th degree, a Class C felony.

In Section 2, possession of **under** 500 milligrams are classified as MICS in the 5th degree, an A misdemeanor.

In Section 3, a technical amendment was made by legislative legal drafters to transfer methicathinone from the list of Schedule 1 substances into Schedule 2, so that all the cathinone-related substances are listed in the same schedule.

Section 4 repeals the methicathinone listing in Schedule 1.

Cindy Smith

From: Christine Marasigan
Sent: Thursday, February 09, 2012 3:12 PM
To: Cindy Smith
Subject: RE: draft explanation of changes

Perfection as always.

From: Cindy Smith
Sent: Thursday, February 09, 2012 2:49 PM
To: Christine Marasigan
Subject: draft explanation of changes

This look OK to you?

Cindy Smith
Office of Senator Hollis French
(907) 465-3892
www.senate.org

CS FOR SENATE BILL NO. 140(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATORS MEYER, GIESSEL, AND OLSON, Egan, McGuire, Wagoner, Huggins

A BILL

FOR AN ACT ENTITLED

1 **"An Act classifying certain substances as schedule IIA controlled substances and**
2 **providing penalties relating to those substances; and providing for an effective date."**

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

4 *** Section 1.** AS 11.71.040(a) is amended to read:

5 (a) Except as authorized in AS 17.30, a person commits the crime of
6 misconduct involving a controlled substance in the fourth degree if the person

7 (1) manufactures or delivers any amount of a schedule IVA or VA
8 controlled substance or possesses any amount of a schedule IVA or VA controlled
9 substance with intent to manufacture or deliver;

10 (2) manufactures or delivers, or possesses with the intent to
11 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
12 of an aggregate weight of one ounce or more containing a schedule VIA controlled
13 substance;

14 (3) possesses

1 (A) any amount of a

2 (i) schedule IA **controlled substance**; or

3 (ii) IIA controlled substance **except a controlled**
 4 **substance listed in AS 11.71.150(e)(11) - (15)**;

5 (B) 25 or more tablets, ampules, or syrettes containing a
 6 schedule IIIA or IVA controlled substance;

7 (C) one or more preparations, compounds, mixtures, or
 8 substances of an aggregate weight of

9 (i) three grams or more containing a schedule IIIA or
 10 IVA controlled substance except a controlled substance in a form listed
 11 in (ii) of this subparagraph;

12 (ii) 12 grams or more containing a schedule IIIA
 13 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
 14 sprayed on or otherwise applied to tobacco, an herb, or another organic
 15 material; **or**

16 (iii) **500 milligrams or more of a schedule IIA**
 17 **controlled substance listed in AS 11.71.150(e)(11) - (15)**;

18 (D) 50 or more tablets, ampules, or syrettes containing a
 19 schedule VA controlled substance;

20 (E) one or more preparations, compounds, mixtures, or
 21 substances of an aggregate weight of six grams or more containing a schedule
 22 VA controlled substance;

23 (F) one or more preparations, compounds, mixtures, or
 24 substances of an aggregate weight of four ounces or more containing a
 25 schedule VIA controlled substance; or

26 (G) 25 or more plants of the genus cannabis;

27 (4) possesses a schedule IIIA, IVA, VA, or VIA controlled substance

28 (A) with reckless disregard that the possession occurs

29 (i) on or within 500 feet of school grounds; or

30 (ii) at or within 500 feet of a recreation or youth center;

31 or

1 (B) on a school bus;

2 (5) knowingly keeps or maintains any store, shop, warehouse,
3 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
4 keeping or distributing controlled substances in violation of a felony offense under this
5 chapter or AS 17.30;

6 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
7 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
8 mark, imprint, or device of another or any likeness of any of these upon a drug, drug
9 container, or labeling so as to render the drug a counterfeit substance;

10 (7) knowingly uses in the course of the manufacture or distribution of a
11 controlled substance a registration number that is fictitious, revoked, suspended, or
12 issued to another person;

13 (8) knowingly furnishes false or fraudulent information in or omits
14 material information from any application, report, record, or other document required
15 to be kept or filed under AS 17.30;

16 (9) obtains possession of a controlled substance by misrepresentation,
17 fraud, forgery, deception, or subterfuge; or

18 (10) affixes a false or forged label to a package or other container
19 containing any controlled substance.

20 * **Sec. 2.** AS 11.71.050(a) is amended to read:

21 (a) Except as authorized in AS 17.30, a person commits the crime of
22 misconduct involving a controlled substance in the fifth degree if the person

23 (1) manufactures or delivers, or possesses with the intent to
24 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
25 of an aggregate weight of less than one ounce containing a schedule VIA controlled
26 substance;

27 (2) possesses

28 (A) less than 25 tablets, ampules, or syrettes containing a
29 schedule IIIA or IVA controlled substance;

30 (B) one or more preparations, compounds, mixtures, or
31 substances of an aggregate weight of less than

1 (i) three grams containing a schedule IIIA or IVA
 2 controlled substance except a controlled substance in a form listed in
 3 (ii) of this subparagraph;

4 (ii) 12 grams but more than six grams containing a
 5 schedule IIIA controlled substance listed in AS 11.71.160(f)(7) - (16)
 6 that has been sprayed on or otherwise applied to tobacco, an herb, or
 7 another organic material; or

8 (iii) 500 milligrams containing a schedule IIA
 9 controlled substance listed in AS 11.71.150(e)(11) - (15);

10 (C) less than 50 tablets, ampules, or syrettes containing a
 11 schedule VA controlled substance;

12 (D) one or more preparations, compounds, mixtures, or
 13 substances of an aggregate weight of less than six grams containing a schedule
 14 VA controlled substance; or

15 (E) one or more preparations, compounds, mixtures, or
 16 substances of an aggregate weight of one ounce or more containing a schedule
 17 VIA controlled substance; or

18 (3) fails to make, keep, or furnish any record, notification, order form,
 19 statement, invoice, or information required under AS 17.30.

20 * **Sec. 3.** AS 11.71.150(e) is amended to read:

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

24 (1) amphetamine, its salts, optical isomers, and salts of its optical
 25 isomers;

26 (2) methamphetamine, its salts, isomers, and salts of its isomers;

27 (3) methylphenidate;

28 (4) phenmetrazine and its salts;

29 (5) fenethylamine;

30 (6) N-ethylamphetamine;

31 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-

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

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

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

6 (10) N,N-dimethylamphetamine, also known as N,N,alpha-
7 trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical
8 isomers, and salts of optical isomers;

9 (11) cathinone;

10 (12) 2-methylamino-1-phenylpropan-1-one, also known as
11 methcathinone and cat, its salts, optical isomers, and salts of isomers;

12 (13) 4-methylmethcathinone, also known as mephedrone, its salts,
13 isomers, and salts of isomers;

14 (14) 3,4-methylenedioxypropylamphetamine, also known as MDPV, its
15 salts, isomers, and salts of isomers;

16 (15) substituted cathinones, including any compound, except
17 bupropion or a compound listed in another schedule, structurally derived from
18 2-amino-1-phenyl-1-propanone by modification in any of the following ways:

19 (A) by substitution in the phenyl ring to any extent with
20 alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents,
21 whether or not further substituted in the phenyl ring by one or more other
22 univalent substituents;

23 (B) by substitution at the 3-position with an alkyl
24 substituent;

25 (C) by substitution at the nitrogen atom with alkyl or
26 dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.

27 * Sec. 4. AS 11.71.140(b)(5) is repealed.

28 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).

27-LS1032I
Luckhaupt
2/3/12

CS FOR SENATE BILL NO. 140(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS MEYER, GIESSEL, AND OLSON, Egan

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9 substance with intent to manufacture or deliver;

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11 manufacture or deliver, one or more preparations, compounds, mixtures, or substances
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13 controlled substance listed in AS 11.71.160(f)(7) - (16) that has been
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29 (i) on or within 500 feet of school grounds; or

30 (ii) at or within 500 feet of a recreation or youth center;

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1 (B) on a school bus;

2 (5) knowingly keeps or maintains any store, shop, warehouse,
3 dwelling, building, vehicle, boat, aircraft, or other structure or place that is used for
4 keeping or distributing controlled substances in violation of a felony offense under this
5 chapter or AS 17.30;

6 (6) makes, delivers, or possesses a punch, die, plate, stone, or other
7 thing that prints, imprints, or reproduces a trademark, trade name, or other identifying
8 mark, imprint, or device of another or any likeness of any of these upon a drug, drug
9 container, or labeling so as to render the drug a counterfeit substance;

10 (7) knowingly uses in the course of the manufacture or distribution of a
11 controlled substance a registration number that is fictitious, revoked, suspended, or
12 issued to another person;

13 (8) knowingly furnishes false or fraudulent information in or omits
14 material information from any application, report, record, or other document required
15 to be kept or filed under AS 17.30;

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8 **(iii) 500 milligrams containing a schedule IIA**
9 **controlled substance listed in AS 11.71.150(e)(11) - (15);**

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19 statement, invoice, or information required under AS 17.30.

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25 isomers;

26 (2) methamphetamine, its salts, isomers, and salts of its isomers;

27 (3) methylphenidate;

28 (4) phenmetrazine and its salts;

29 (5) fenethylamine;

30 (6) N-ethylamphetamine;

31 (7) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-

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

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

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

6 (10) N,N-dimethylamphetamine, also known as N,N,alpha-
7 trimethylbenzencethaneamine or N,N,alpha-trimethylphenethylamine, its salts, optical
8 isomers, and salts of optical isomers;

9 **(11) cathinone;**

10 **(12) 2-methylamino-1-phenylpropan-1-one, also known as**
11 **methcathinone and cat. its salts, optical isomers, and salts of isomers;**

12 **(13) 4-methylmethcathinone, also known as mephedrone, its salts,**
13 **isomers, and salts of isomers;**

14 **(14) 3,4-methylenedioxypropylone, also known as MDPV, its**
15 **salts, isomers, and salts of isomers;**

16 **(15) substituted cathinones, including any compound, except**
17 **bupropion or a compound listed in another schedule, structurally derived from**
18 **2-amino-1-phenyl-1-propanone by modification in any of the following ways:**

19 **(A) by substitution in the phenyl ring to any extent with**
20 **alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents,**
21 **whether or not further substituted in the phenyl ring by one or more other**
22 **univalent substituents;**

23 **(B) by substitution at the 3-position with an alkyl**
24 **substituent;**

25 **(C) by substitution at the nitrogen atom with alkyl or**
26 **dialkyl groups or by inclusion of the nitrogen atom in a cyclic structure.**

27 * **Sec. 4.** AS 11.71.140(b)(5) is repealed.

28 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

Senator Hollis French, Chair
State Capitol, Room 417
Juneau, Alaska 99801
Phone: (907) 465-3892
Fax: (907) 465-6595



Committee Members:
Senator Bill Wielechowski
Senator Lesil McGuire
Senator Joe Paskvan
Senator John Coghill

Senate Judiciary Committee

MEMORANDUM

TO: Legislative Legal

FROM: Cindy Smith

RE: SB 140 Cathinone Bath Salts 27- LS1032\B

Please prepare a CS that makes the following changes:

1. Establish a separate A misdemeanor penalty for possession of 500 milligrams or less.
2. Incorporate the attached language from the Crime Lab into the new lists for cathinone.

Call me at 465-6641 if you have any questions.

Alaska State Legislature



Interim:
716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

Senator Kevin Meyer
Senate District O

SPONSOR STATEMENT FOR SB 140

"An Act classifying certain synthetic cathinones as schedule IIA controlled substances; and providing for an effective date."

SB 140 would classify certain synthetic cathinones, commonly known as synthetic cocaine and marketed as 'bath salts,' as a schedule IIA controlled substance.

Marketed as bath salts or plant food with names like 'Meow-Meow,' 'Vanilla Sky,' 'Ivory Snow,' and 'Bliss,' synthetic cathinones are inexpensive, accessible, and undetectable in most drug tests. Many users of this drug use them in combination with or as a legal alternative to cocaine, ecstasy or methamphetamines.

Drug effects include impaired perception, reduced motor control, disorientation, extreme paranoia and violent episodes. Synthetic cathinones are abused mainly by snorting and oral ingestion. The U.S. Drug Enforcement Administration, the U.S. Military, and the Municipality of Anchorage have all taken action to control or prohibit use of this drug.

According to the National Council of State Legislatures, as of October 24, 2011 there are 33 states that have adopted laws or have departmental rules banning chemical compounds associated with 'bath salts.' Seven states have legislation pending.

Should SB 140 pass, it would be unlawful throughout the State of Alaska to sell, use, purchase, possess, manufacture, transport or deliver synthetic cathinones, the chemical compounds which are being marketed as 'bath salts' and synthetic cocaine.

**Advisory Board on Alcoholism
and Drug Abuse**



Alaska Mental Health Board

**ALASKA MENTAL HEALTH BOARD
ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE**
431 NORTH FRANKLIN STREET, SUITE 200
JUNEAU, ALASKA 99801
(907) 465-8920

January 24, 2012

Senator Kevin Meyer
Alaska State Capitol, Room 103
Juneau, Alaska 99801

Re: Letter of Support for SB 140

Dear Senator Meyer.

The Advisory Board on Alcoholism and Drug Abuse appreciates your recognition of the need to regulate cathinone and similar substances marketed as "bath salts." These substances pose a serious risk to the health and welfare of Alaskans and should be Schedule IIA controlled substances.

Cathinone, methcathinone, and methylenedioxypropylamphetamine (MDPV) produce amphetamine-like effects. Commonly marketed as "bath salts," these drugs can be inhaled, ingested, injected, or smoked. The expected effect is a sort of euphoria, but these chemicals also have dangerous effects. "Bath salts" substances have been reported to cause extreme anxiety and paranoia, delusional thinking, visual and auditory hallucinations leading to violent outbursts, self-mutilation, and suicidal thoughts and actions.

Nationwide, there were 6,072 calls to poison centers about designer drugs labeled as "bath salts" in 2011.¹ In 2010, that number was 303 calls.² This reflects the rapid increase in use of these synthetic drugs in the United States. In response, the U.S. Drug Enforcement Administration invoked its emergency scheduling powers in September 2011 to make possession and sale of mephedrone, MDPV, and methylone (common "bath salts" substances) illegal. This emergency regulation will expire in September 2012. State and city governments across the country are taking similar action through emergency powers, ordinances, and legislation in an effort to protect health and safety.³

The Advisory Board on Alcoholism and Drug Abuse supports SB 140 and we appreciate your work on behalf of Alaskans.

Sincerely,

Robert Coghill, Jr. Chairman
Advisory Board on Alcoholism and Drug Abuse

¹ American Association of Poison Control Centers report on "closed human exposures calls to poison centers about exposures to bath salts as of December 31, 2011," updated January 5, 2012. Available online at http://www.aapcc.org/dnn/Portals/0/Bath%20Salts%20Data%20for%20Website%201_5_2012.pdf.

² *Id.*

³ Nevada's Board of Pharmacy just restricted "bath salts" substances through its emergency powers in January, 2012. Maine, Louisiana, Kentucky, Ohio, Delaware, and nearly three-quarters of U.S. states have acted to prohibit sale and/or possession of these substances. The Municipality of Anchorage passed an ordinance in October 2011 to prohibit manufacture, sale, and possession of these substances.

MUNICIPALITY OF ANCHORAGE



Office of the Mayor

Phone: 907-343-7100

FAX: 907-343-7180

Mayor Dan Sullivan

January 25, 2012

The Honorable Kevin Meyer
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: Senate Bill 140

Dear Senator Meyer,

Thank you for introducing Senate Bill 140, *"An Act classifying certain substances as schedule IIA controlled substances; and providing for an effective date."*

The Municipality of Anchorage fully supports the passage of SB 140. The use of cathinone and its derivatives (commonly referred to as "bath salts") has quickly become a significant health and public safety issue.

Due to the huge range in potency between the various compounds and products, municipal first responders have encountered users of these drugs having severe reactions, including from bizarre and dangerous behavior to unconsciousness. Users who operate machinery, especially motor vehicles, have had significant accidents and present a danger to others that is on par with operating under the influence of alcohol.

In response, the Municipality has enacted its own local code, but does not have the jurisdiction to deal with the influx of the drug on a state-wide basis or impose the kinds of meaningful criminal sentences that are needed to stem the manufacture, distribution, and sale of these drugs.

Thank you again for introducing this important legislation.

Sincerely,

Dan Sullivan
Mayor

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB140
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB140-DPS-LAB-01-23-12 Dept. Affected Public Safety
 Title CATHINONE BATH SALTS Appropriation Statewide Support
 Allocation Laboratory Services
 Sponsor Senators Meyer, Giessel, Olson
 Requester (S) JUD OMB Component Number 527

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates					
			FY13	FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	***	***	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		***	***	***	***	***	***	***

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated **SUPPLEMENTAL (FY12) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY13) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Orin Dym, Laboratory Manager
 Division Scientific Crime Detection Laboratory
 Approved by Joe Masters, Commissioner
Department of Public Safety

Phone (907) 269-5743
 Date/Time 1/13/12 1:00 PM
 Date 1/23/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB140

Analysis

This proposed legislation would add certain synthetic substances to the Schedule IIA list of statutorily controlled substances and provide for an effective date.

The Scientific Crime Detection Laboratory (crime lab) provides analysis of suspected controlled substances, issues reports, and provides expert testimony for the State of Alaska. The crime lab currently receives an average of ten submittals each month from law enforcement referencing "suspected bath salts." If these substances become controlled, the Chemistry Section of the lab can expect some change in requests for laboratory service, but is unable to determine how significant that change will be; whether it will remain roughly ten submittals per month or if it will increase.

These substances are unlike most that have been previously criminalized in that they are not "street drugs" but legally contrived and sold online via the internet and locally over-the-counter through tobacco shops. Because actual fiscal impact is unknown and difficult to determine, the crime lab is not requesting any additional funds or positions at this time but also does not wish to leave a matter the crime laboratory cannot fully assess without the reality of possible, though not probable, future fiscal impact.

FISCAL NOTE

STATE OF ALASKA cost # codes
 2012 LEGISLATIVE SESSION

Bill Version _____
 Fiscal Note Number _____
 Publish Date _____

Identifier (file name) SB 140-DOC-OC-01-13-12 Dept. Affected DOC
 Title "An Act classifying certain substances as Schedule IIA" Appropriation Admin & Support
 Allocation Commissioner's Office
 Sponsor Senator Meyer, Giessel & Olson
 Requester Senate Judiciary Committee OMB Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

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			FY14	FY15	FY16	FY17	FY18
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Travel							
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Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**	**	**	**	**	**	**

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1178	temp code (UGF)						
TOTAL		**	**	**	**	**	**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

This is the original version of the bill.

Prepared by Leslie Houston, Director
 Division Admin. Services, Department of Corrections
 Approved by Joseph D. Schmidt, Commissioner
Department of Corrections

Phone 907-465-3339
 Date/Time 1/13/12 11:32 AM
 Date 1/13/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB 140

Analysis

This legislation classifies certain substances as Schedule IIA controlled substances.

Currently, possession of a schedule IIA is a Class C felony with a possible sentence of 0-2 years. Manufacturing or delivering a schedule IIA controlled substance is a Class B felony with a possible sentence of 0-4 years. The current average daily cost to house an inmate is \$134.90. Therefore, housing an offender could cost the department anywhere from \$0.0 (no time served) to \$196,954.00 (for a 4-year sentence).

DOC analyzed the impacts of similar laws passed in recent years (Example, HB 7 - Synthetic Marijuana), we have found zero convictions and therefore zero offenders being housed in DOC facilities.

The department is currently unable to quantify the fiscal impacts of this bill, as we cannot predict the number of offenses that will occur. Should this legislation pass, the department will closely monitor the potential future fiscal impacts.

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB 140
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB140-LAW-CRIM-01-25-12 Dept. Affected Law
 Title An Act classifying certain substances as schedule IIA Appropriation Criminal
controlled substances. Allocation Criminal Justice Litigation
 Sponsor Senators Meyer, Giessel and Olson
 Requester (S) Judiciary OMB Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1037	GF/MH (UGF)						
1178	temp code (UGF)						
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY12) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable, initial version.

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by Richard Svobodny, Acting Attorney General
Department of Law

Phone 465-5427
 Date/Time 1/25/12 5:10PM
 Date 1/25/2012

FISCAL NOTE

**STATE OF ALASKA
2012 LEGISLATIVE SESSION**

BILL NO. SB 140

Analysis

SB 140 adds new substances to Schedule IIA of Alaska's controlled substances. These substances are currently not controlled. They are sometimes referred to as synthetic cocaine or bath salts. It is difficult to predict the number of cases that would be filed after these substances are included in Alaska's schedules of controlled substances but the number should not be great.

Schedule IIA currently includes, among other substances, amphetamines and methamphetamines, which are fairly dangerous substances.

The fiscal impact is zero.

Alaska State Legislature



Interim:
716 West 4th Ave.
Anchorage, Alaska 99501
(907) 269-0199

Session:
State Capitol Building
Juneau, Alaska 99801-1182
(907) 465-4945

Senator Kevin Meyer
Senate District O

TO: Senator Hollis French
Senate Judiciary Committee

FROM: Senator Kevin Meyer

DATE: January 18, 2012

RE: SB 140 Request for Hearing

I respectfully request the Senate Judiciary Committee schedule a hearing for SB 140, "An Act classifying certain synthetic cathinones as schedule IIA controlled substances; and providing for an effective date."

The following documents are attached and will be sent electronically:

- Current version of the bill
- Sponsor Statement
- Support Documentation
- Letters of Support to follow
- Staff member assigned to the bill: Christine R. Marasigan, 465-6876

This bill would make it unlawful throughout the State of Alaska to sell, use, purchase, possess, manufacture, transport or deliver synthetic cathinones, the chemical compounds which are being marketed as 'bath salts' and synthetic cocaine.

Please contact Christine if you have any questions regarding this legislation.

Cindy Smith

From: Cindy Smith
Sent: Monday, February 06, 2012 4:56 PM
To: Christine Marasigan
Subject: FW: Message from 4th fl00r copier
Attachments: S4th fl00r 12020616460.pdf

Take a look at this and let me know if you see any problems. This establishes possession of less than 500 milligrams as a Class A misdo, everything else as a C felony.

Cindy Smith
Office of Senator Hollis French
(907) 465-3892
www.senate.org

From: postmaster@legis.state.ak.us [mailto:postmaster@legis.state.ak.us]
Sent: Monday, February 06, 2012 4:47 PM
To: Cindy Smith
Subject: Message from 4th fl00r copier

Cindy Smith

From: Christine Marasigan
Sent: Monday, February 06, 2012 12:09 PM
To: Cindy Smith
Subject: FW: change

Follow Up Flag: Follow up
Flag Status: Flagged

RE: SB 140

No worries if there is no change on our bill, crime lab says it isn't necessary.

From: Dym, Orin W (DPS) [<mailto:orin.dym@alaska.gov>]
Sent: Monday, February 06, 2012 12:04 PM
To: Christine Marasigan
Cc: Howell, Kelly A (DPS)
Subject: RE: change

No, from a chemistry point of view it does not add anything.

Orin Dym
Forensic Laboratory Manager
Alaska Scientific Crime Detection Laboratory
907-269-5743

From: Christine Marasigan [mailto:Christine_Marasigan@legis.state.ak.us]
Sent: Monday, February 06, 2012 12:03 PM
To: Dym, Orin W (DPS)
Cc: Howell, Kelly A (DPS)
Subject: RE: change

Is it necessary?

From: Dym, Orin W (DPS) [<mailto:orin.dym@alaska.gov>]
Sent: Monday, February 06, 2012 12:02 PM
To: Christine Marasigan
Cc: Howell, Kelly A (DPS)
Subject: RE: change

It is fine.

Orin Dym
Forensic Laboratory Manager
Alaska Scientific Crime Detection Laboratory
907-269-5743

From: Christine Marasigan [mailto:Christine_Marasigan@legis.state.ak.us]
Sent: Monday, February 06, 2012 11:41 AM
To: Dym, Orin W (DPS)
Subject: change

Mr. Dym,
Ryan from Rep. Stoltze's office had a change to HB 253 regarding page 2, line 11.

Current version:

(12) methcathinone, its salts, optical isomers, and salts of optical isomers;

Changes:

(12) 2-methylamino-1-phenylpropan-1-one, also known as methcathinone and cat, its salts, optical isomers, and salts of optical isomers;

I assume that this is a change you agree with. If so, we will change the Senate version as well. If it is NOT a change you agree with, please let me know immediately.

Thank you,
Christine

Christine R. Marasigan

Staff to Senator Kevin Meyer

Alaska State Capitol

Juneau, AK 99801

Phone: (907) 465-4945

Fax: (907) 465-3476

Email: christine_marasigan@legis.state.ak.us

If you would like to receive Senator Kevin Meyer's electronic newsletter, please send an email with the subject line "subscribe" with your name and address to: senator_kevin_meyer@legis.state.ak.us

Cindy Smith

From: LIO Kodiak
Sent: Thursday, January 26, 2012 11:26 AM
To: Sen. Hollis French; Sen. Bill Wielechowski; Sen. Joe Paskvan; Sen. Lesil McGuire; Sen. John Coghill
Cc: Cindy Smith
Subject: SB 140 - Written Testimony for 01/27/12

From: Timothy Luther [<mailto:tbheluther@yahoo.com>]
Sent: Thursday, January 26, 2012 10:40 AM
To: LIO Kodiak
Subject: Re: SB 140 -Friday

Hi Lorna,

I don't think I can make it to the hearing on SB 140, I am sending you my written testimony--if you can forward it to them I would appreciate it. Becky

Dear Senate Judiciary Committee Members:
Senator Hollis French
Senator Bill Wielechowski
Senator Joe Paskvan
Senator Lesil McGuire
Senator John Coghill

I would like to share some thoughts concerning SB 140.

I am a concerned community member of Kodiak. I have been a foster parent of teenage boys and currently my husband works with teens that are struggling to find their way in society- hence they are making very poor choices that affect them personally, their family and their community. We have seen first hand the affects of drugs/ synthetics and alcohol- its negative affects on youth, families and communities.

1. I would like to know if SB 140 is going to provide means for state agencies to test for synthetics, bath salts and the like? We have found that agencies do not want to or can not afford to test for these drugs. Once youth know they are not going to be tested they will use the drugs all the more, and whats the point of spending the money to make something illegal if we are not going to take the steps to follow thru. If its going to be illegal agencies like Juvenile Probation Officers, State Troopers, hospitals, etc should be required to test for them and Agencies Directors should not be allowed to deny the test due to funding.

2. There needs to be some type of law that allows Police, State Troopers, City and Borough governments to deal with Adult Entertainment shops. This is a serious problem in Kodiak. We have a shop that sells synthetics to minors. Along with this SB 140 needs to be written in such a way that it

covers promotion, advertisement, packaging, and ingredients. Currently, when packaging is changed or ingredients are altered laws become null and void and the drug is back on the market. We don't have time for new laws to be developed each time a new synthetic drug is discovered, we don't have time to wait for new testing laws to be approved. Can SB 140 be written in such a way that it covers future changes to Bath Salts or any other synthetic that is developed?

3. I would like to see funding and grant monies be put in place for communities to provide training for parents, schools, assemblies, organizations, youth programs for at risk teens and pre teens, afterschool clubs etc. These funds may already be in place but there seems to be a serious lack of current information available to community members. I see first hand how parents don't know what resources are available to them or where to go to find out the information they need to help succeed in the healthy fight for their child/teens life.

Thank you for all your doing, your hard work is appreciated.

Sincerely,
Rebecca Luther
PO Box 376
Kodiak, AK 99615