

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES, 2005-2006 2930

**HB**

**377**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 05 2006  
 SENATE FINANCE COMMITTEE

DATE: 4/29/06

FURTHER:

DATE TURNED  
 IN TO OFFICE: 5 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 377(L&C) am

## HB 377 EXEMPTION: RES. BLDG. DRAWINGS & SPECS

"An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings and the grounds of the buildings."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous S CS CS HB 377 (L+C)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Commerce	4/29/06			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
			✓	
			✓	
			✓	
	✓			
COCHAIR:			✓	
COCHAIR:	✓			

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 05 2006  
SENATE FINANCE COMMITTEE

DATE: 4/29/06

FURTHER:

DATE TURNED  
IN TO OFFICE: 5 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 377(L&C) am

## HB 377 EXEMPTION: RES. BLDG. DRAWINGS & SPECS

"An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings and the grounds of the buildings."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous 5 CS CS HB 377 (L&C)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

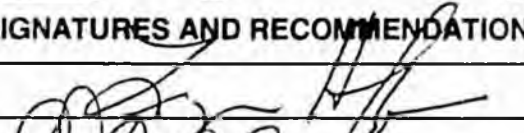
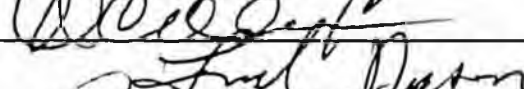
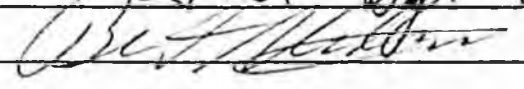
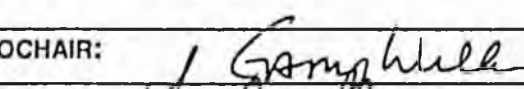
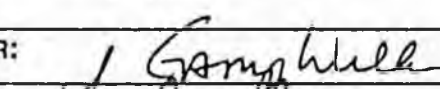
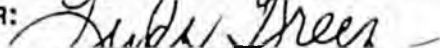
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Commerce	7/23/06			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
			✓	
	✓			
COCHAIR: 			✓	
COCHAIR: 	✓			

# FISCAL NOTE

REPORTED OUT  
 MAY 05 2006  
 SENATE FINANCE COMMITTEE

STATE OF ALASKA  
 2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 377(L&C)  
 (H) Publish Date: 3/6/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Commerce  
 Title Exemption: Res. Bldg. Drawing & Specs RDU Corp, Bus & Prof Licensing (117)  
 Component Corp, Bus & Prof Licensing  
 Sponsor Meyer  
 Requester Labor and Commerce Component No. 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

This legislation amends AS 08.48.331(a) by making an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings. New funds are not required to implement the provisions of this legislation.

Prepared by: Katherine Mason, Administrative Manager Phone (907) 465-2572  
 Division: Corporations, Business and Professional Licensing Date/Time 2/23/06 3:05 PM  
 Approved by: William C. Noll, Commissioner Date 2/23/2006  
 Agency: Commerce, Community, and Economic Development

(Revised 6/7/2005 OMB)

## COMMITTEE COPY

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 05 2006  
SENATE FINANCE COMMITTEE

DATE: 4/29/06

FURTHER:

DATE TURNED  
IN TO OFFICE: 5 May 2006

Finance Committee considered CS FOR HOUSE BILL NO. 377(L&C) am

## HB 377 EXEMPTION: RES. BLDG. DRAWINGS & SPECS

"An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings and the grounds of the buildings."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous S CS CS HB 377 (L&C)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

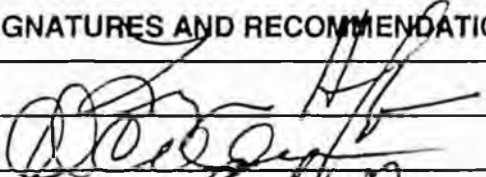
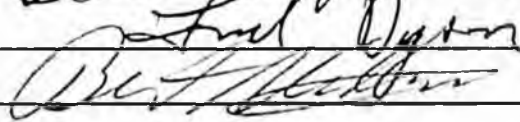
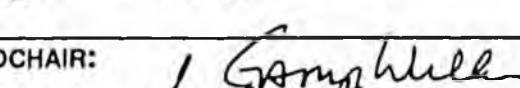
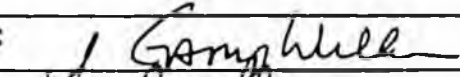
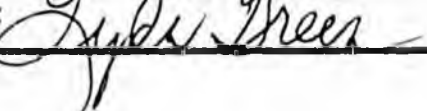
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
Commerce	7/2/06			✓	#1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
	✓			
COCHAIR: 			✓	
COCHAIR: 	✓			



# REPRESENTATIVE KEVIN MEYER

---

HOUSE DISTRICT 30

## SPONSOR STATEMENT

HB 377

***"An Act relating to an exemption for certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings."***

State law requires that an engineer or architect prepare drawings or specifications for a residence if it is more than two stories high. However, the building codes adopted by the State Fire Marshall and many municipalities require an engineer or architect only if a residence is more than three stories high.

The process of consulting with an engineer or architect adds an unnecessary expense to the construction or renovation of a home. House Bill 377 amends Alaska statute to reflect the standard already present in the adopted codes across the state. HB 377 will allow contractors and homebuilders to build or expand a residence if it is not more than three stories high.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

**DATE:** February 15, 2006  
**TO:** Representative Kevin Meyer  
**FROM:** Mike Pawlowski  
**RE:** Sectional Analysis for HB 377  
(Version No. 24 - LS1471\A)

---

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Amends the exemption to the requirements of title 8 chapter 48 in AS 08.48.331 (a) (6) (C) for residential buildings smaller than a four-plex to three from two stories.

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES



February 15, 2006

Representative Kevin Meyer  
State Capitol, Room 515  
Juneau, AK 99801-1182  
FAX 907-465-3476

Dear Rep. Meyer:

Regarding legislation (HB 377) for stories above grade the Anchorage Home Builders Association fully endorses and supports this measure.

This is merely a housekeeping measure to align the state statute, the International Building Code and the International Residential Code. Currently the two are inconsistent. The state statute is two-stories and International Codes are 3-stories.

Sincerely,

Ray Hickel  
President  
Anchorage Home Builders Assn.

Larry Partusoh  
Treasurer  
Anchorage Home Builders Assn.

Harley Sudsbury  
Past President  
Anchorage Home Builders Assn.

Eric Schach  
Vice President  
Anchorage Home Builders Assn.

Sue Wolfe  
Secretary  
Anchorage Home Builders Assn.

**"Building Better Places to Live, Work and Play"**

**ANCHORAGE HOME BUILDERS ASSOCIATION, INC.**

8301 Schoon Street, Suite 200 • Anchorage, AK 99518 • (907) 522-3605 • Fax (907) 522-3757





DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

*Frank H. Murkowski, Governor*  
*William C. Noll, Commissioner*  
*Rick Urion, Director*

Division of Corporations, Business and Professional Licensing

Board of Registration for Architects, Engineers, and Land Surveyors

26 April 2006

Representative Kevin Meyer  
State Capitol  
Juneau, AK 99801

Subject: House Bill 377

Representative Meyer:

This letter confirms that the AELS Board supports the following amendment to HB 377:

**"(ii) two families and that is not more than three stories high and the grounds of the building, if the building is located in a municipality that has adopted an applicable building or residential code and the building complies with the building or residential code."**

Respectfully submitted,

Kenneth D. Maynard, FAIA  
Chair

# SENATE COMMITTEE REPORT

DATE: 4/21/06

FURTHER: Finance

DATE TURNED  
IN TO OFFICE: 4/28/06

Labor and Commerce Committee considered CS FOR HOUSE BILL NO. 377(L&C) am

## HB 377 EXEMPTION: RES. BLDG. DRAWINGS & SPECS

"An Act relating to an exemption from certain registration and practice requirements for persons preparing drawings or specifications related to the construction of certain buildings and the grounds of the buildings."

and recommends:

- be replaced with S CS CS HB 377 (L&C)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>CS Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>SCS House Bill:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
D(ED)	2/23/06			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Davis: <u>Betty Davis</u>	X			
Ellis: <u>[Signature]</u>			X	
Seelins: <u>[Signature]</u>	✓			
B. Stevens: <u>[Signature]</u>	✓			
CHAIR: <u>[Signature]</u>	✓			

Bunde

**HB**

**379**

**HFIN**

**FILE**



# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 379(JUD)  
 ( H ) Publish Date: 2/8/06  
 Dept. Affected: Health & Social Services  
 RDU Departmental Support Services  
 Component Commissioner's Office

Revision Date/Time (Note if correction):

Title RELATING TO SCHEDULE IA CONTROLLED SUBSTANCES

Sponsor MEYER

Requester HOUSE (JUD)

Component No. 317

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (0)</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: \_\_\_\_\_  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 The proposed changes to Schedule IA controlled substances will have no fiscal impact on the Department of Health and Social Services.

Prepared by: Sherry Hill, Special Assistant Phone 465-1618  
 Division Office of the Commissioner Date/Time 02/08/2006  
 Approved by: Karleen Jackson, Commissioner Date 02/08/2006  
 Agency Department of Health and Social Services

# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
 Bill Version: CSHB 379(JUD)  
 ( H ) Publish Date: 2/8/06  
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title RELATING TO SCHEDULE IA CONTROLLED SUBSTANCES

RDU Departmental Support Services  
 Component Commissioner's Office

Sponsor MEYER

Requester HOUSE (JUD)

Component No. 317

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES (0)</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: \_\_\_\_\_  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 The proposed changes to Schedule IA controlled substances will have no fiscal impact on the Department of Health and Social Services.

Prepared by: Sherry Hill, Special Assistant Phone: 465-1618  
 Division: Office of the Commissioner Date/Time: 02/08/2006  
 Approved by: Karleen Jackson, Commissioner Date: 02/08/2006  
 Agency: Department of Health and Social Services



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## SPONSOR STATEMENT

HB 379

*"An Act relating to controlled substances."*

Taken first by bodybuilders in the 1980's when steroids were initially controlled, GHB was believed to enhance steroid production. A small amount of GHB, when ingested elicits feelings similar to intense intoxication and gained popularity initially as a way to get drunk without the calories.

Since it is easily added to a drink, difficult to detect, leaves the system quickly and is very difficult for law enforcement to identify, GHB has become a popular "date rape" drug. In February of 2000, GHB was elevated at the Federal Level to a schedule I narcotic. Like other drugs, GHB and its variations are sadly found in Alaska.

Late last year, three young men were charged in federal court in the death of a 16-year-old Chugiak High School Student. The young men were charged in Federal Court because the variation of GHB they were allegedly providing isn't covered in Alaska's controlled substances statutes.

House Bill 379 adds these variations of GHB to Alaska's controlled substances act and raises them, along with GHB to a schedule 1A narcotic. Since this narcotic is addictive, dangerous, and popular as a "date rape" drug it deserves the harshest designation possible under state law.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

**DATE:** February 8, 2006  
**TO:** Representative Kevin Meyer  
**FROM:** Mike Pawlowski  
**RE:** Sectional Analysis for CSHB 379 (JUD)  
(Version No. 24 – LS1396\F)

---

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Amends AS 11.71.140 to include GHB in schedule 1A of the Controlled Substances Act and adds a new subsection scheduling similar substances when intended or used for human consumption.

Section 2. Repeals GHB from schedule 4A of the Controlled Substances Act.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

### *Change Summary*

**DATE:** February 8, 2006

**TO:** Representative Kevin Meyer

**FROM:** Mike Pawlowski

**RE:** Changes to HB 379 incorporated in CSIB 379 (JUD)  
(Version No. 24 -- LS1396F)

---

Title: Replaced with a new title.

Section 1. Replaced (2) and (3) a new subsection (2) scheduling GBL, BD, GHV and GVL when "intended or used for human consumption.

Section 2. Deleted.

Section 3. Renumbered as section 2

[Text Version](#)   [PDF Version](#)   [To Publications Page](#)   [To Home Page](#)



**Title:**

# *Information Bulletin: GHB Analogs*

## *GBL, BD, GHV, and GVL*

**Publication Date:** August 2002

**Document ID:** 2002-L0424-003

This information bulletin provides an update on the availability of, demand for, production, transportation, and distribution of GHB analogs.

Your questions, comments, and suggestions for future subjects are welcome at any time. Addresses are provided at the end of the page.



---

### Contents

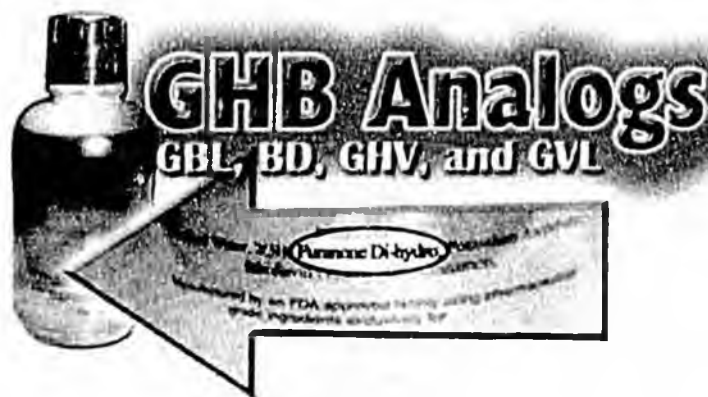
Introduction	Tests for GHB Analogs
Analogs	Legislation
Abuse	Outlook
Distribution	Sources

---

### List of Tables

Table 1. GHB Analogs
Table 2. Emergency Department Mentions for GHB and GBL in 22 Major U.S. Cities, 1994-2000

---



© Porrata Consulting

## Introduction

Because the criminal penalties associated with GHB (gamma-hydroxybutyrate) have been made more stringent and law enforcement pressure has rendered GHB more difficult to obtain, the distribution and abuse of GHB analogs have become an increasing concern. GHB analogs, which include GBL, BD, GHV, and GVL, are drugs that possess chemical structures that closely resemble GHB. The ingestion of any of these analogs produces physiological effects similar to the effects associated with GHB abuse--relaxation, mild euphoria, and drowsiness. Abusers who emerge from a deep sleep or coma caused by GHB analogs may become easily agitated and extremely combative. GHB analogs are of particular concern because they contribute to increasing numbers of auto accidents, sexual assaults, and deaths.

While federal law prohibits the sale of analogs for human consumption, GHB analogs are available legally as industrial solvents used to produce polyurethane, pesticides, elastic fibers, pharmaceuticals, coatings on metal or plastic, and other products. These analogs also are sold illicitly as supplements for bodybuilding, fat loss, reversal of baldness, improved eyesight, and to combat aging, depression, drug addiction, and insomnia. GBL and BD are sold as "fish tank cleaner," "ink stain remover," "ink cartridge cleaner," and "nail enamel remover" for approximately \$100 per bottle--much more expensive than comparable products. Law enforcement's efforts to identify the abuse of GHB analogs are hampered by the fact that routine toxicological screens do not detect the presence of these analogs. In addition, distributors continually develop new analogs to avoid law enforcement detection.

[To Top](#)   [To Contents](#)

## Analogs

GHB analogs often are abused in place of GHB or are used to produce GHB. Common GHB analogs include GBL, BD, GHV, and GVL. (See Table 1.) Both GBL and BD metabolize into GHB upon ingestion. GBL is the most common precursor used in the production of GHB. GVL is abused in place of GHB because it metabolizes into GHV, which produces physiological effects similar to GHB.

Table 1. GHB Analogs

Analogue	Chemical Name/Alternative Name	Precursor for Production of	Metabolizes Into
GBL	gamma-butyrolactone furonone di-hydro dihydrofuranone	GHB	GHB
BD	1,4-butanediol tetramethylene glycol sucol-B butylene glycol	GBL	GHB
GHV	gamma-hydroxyvalerate methyl-GHB	*	*
GVL	gamma-valerolactone 4-pentanolide	GHV	GHV

\*GHV is not used as a precursor and is not metabolized into another drug.

[To Top](#)   [To Contents](#)

## Abuse

GHB analogs are distributed as liquids and consumed orally. When ingested, these analogs produce effects such as relaxation, mild euphoria, and drowsiness. Such effects are similar to those associated with GHB abuse and may resemble the results of alcohol intoxication. GHB analogs also may increase libido, suggestibility, passivity, and cause amnesia--traits that make users vulnerable to sexual assault and other criminal acts. Users awakening or emerging from coma may exhibit extreme combativeness, a condition which is also observed among those in withdrawal from addiction to GHB

and its analogs. GHB analogs are known to produce side effects such as topical irritation to the skin and eyes, nausea, vomiting, incontinence, loss of consciousness, seizures, liver damage, kidney failure, respiratory depression, and even death. GHB analogs are physically addictive, causing addicts to experience severe withdrawal symptoms if they miss a dose or attempt to stop using the drug.

#### **Man Drugs Wife and Babysitter With BD**

In March 2002 a South Dakota man was arrested for possession of BD and the distribution of BD to a minor. The man had purchased a dietary supplement containing BD from a Canadian company over the Internet. The man's wife believes that her husband drugged both her and their babysitter with the substance. The man allegedly experimented with the product on himself in order to determine the dosage, in relation to body weight, that would achieve the desired effects. On several occasions, after consuming mixed drinks her husband prepared, the wife fell into a deep sleep and vaguely recalled her husband's having sexually abused her. One evening, when both the husband and wife had separate plans to be out of the house, the wife returned home and found the husband at home with the babysitter who said she felt drowsy. The babysitter claimed that the husband had given her something for a headache and said she recalled him rubbing her back and touching her breasts. The wife immediately took the babysitter to the hospital and notified authorities.

Source: Sioux Falls Police Department.

Some GHB analog abusers begin consuming dietary supplements believing the claims made by manufacturers, and then find themselves addicted to the product. GHB analogs typically are abused in place of GHB by users who want to experience the effects associated with GHB and who find the analogs more widely available or easily obtained. Often users are unaware that they are consuming an analog and mistakenly believe that the substance they are ingesting is GHB. Many users mix the analogs with flavored beverages to mitigate their salty flavor and unappealing odor. Some users, however, simply ingest the drugs straight or mixed with water. It is often difficult or impossible to detect the presence of GBL, BD, GHV, or GVL when they are mixed with other liquids because these analogs are all clear and colorless. A quick test that indicates the possible presence of GHB analogs or GHB in a clear liquid involves shaking the liquid. If it becomes cloudy, GHB analogs or GHB may be present.

Because GHB analogs either are metabolized into GHB by the human body or produce similar physiological effects when ingested, healthcare providers often are unable to distinguish between the abuse of GHB and GHB analogs. Thus, the rising abuse of GHB, evidenced by the increase in Drug Abuse Warning Network (DAWN) emergency department mentions, reflects increased GHB analog use as well. (See Table 2.)

Table 2. Emergency Department Mentions for GHB and GBL in 22 Major U.S. Cities, 1994-2000

Year	Total
1994	56
1995	145
1996	638
1997	762
1998	1,282
1999	3,178
2000	4,969

Source: Substance Abuse and Mental Health Services Administration, Drug Abuse Warning Network.

[To Top](#)   [To Contents](#)

## Distribution

GHB analogs are readily available, and various methods are used to distribute these drugs. Because of legislation (see Legislation section), GHB analogs are legally available only in products not intended for human consumption. Abusers and distributors may obtain commercial products such as chemical solvents legally and then illegally consume or distribute them. Illegal distribution of GHB analogs often occurs at raves, concerts, nightclubs, health clubs, gyms, and on college campuses. At these venues GHB analogs usually are sold for \$10 to \$20 per capful (approximately 1 teaspoonful). When distributors sell these drugs, they may fail to specify which analog they are selling, or they may misrepresent the analog as GHB.

GHB analogs also are distributed at disreputable stores that sell health food and nutritional supplements. The analogs also may be marketed on the Internet and then shipped to purchasers via package delivery services. Typically, analogs are marketed as dietary supplements, sleep aids, and cleaning products. They are packaged in bottles containing 4 to 20 ounces and sold for \$40 to \$100 each. The products that are distributed as dietary

supplements usually contain GVL as the active ingredient, while the cleaning supplies usually contain GBL or BD. The concentration of the analog varies; therefore, the size of a dose may range from one-half teaspoon to one-half ounce, and the number of doses per bottle may range from 24 to 48.

#### BD Ingredient in Sleep Aid

On January 27, 2000, a Utah man died from taking Zen, a product containing succol-B, an alternative name for 1,4-butanediol. The man initially purchased the product in July 1999 as a sleep aid from a local health food store and was unaware that the product contained a GHB analog. He realized he had become addicted to the substance and was trying to wean himself from it before his death. In April 2002 the man's widow reached an undisclosed settlement in a case filed in civil court holding the store responsible in the wrongful death of her husband, claiming they failed to warn consumers that the product contained an active ingredient that is processed by the body into GHB.

Sources: G. Erick Nielson and Associates (plaintiff's legal representative); *Associated Press*.

Individuals who illegally produce GHB analogs for human consumption often list alternative chemical names to disguise the ingredients. Most users recognize the analog by the brand name or through advertisements that tout the product as a replacement for a similar product that has been removed from the market. Products that contained BD or GBL such as RenewTrient II, Serenity, Inner-G, Soma Solution, and Blue Nitro are no longer sold, primarily because of law enforcement pressure, but comparable products with similar brand names are available.

GHB analogs often are sold with disclaimers that they are not for human consumption; however, many of the products have labels implying that the product may be ingested. One product marketed as an industrial solvent has a label that states "Warning! Accidental ingestion of [product] will produce GHB in your body. If you ingest some by mistake, don't take alcohol or any other drug!" Another product label states "Warning: Accidental ingestion may cause...euphoria...increases tactile sensitivity...". Many of the products are marketed as "Great Household Bargains" (GHB) in order to increase their exposure to individuals seeking GHB analogs.

In addition to the distribution methods discussed previously, supplies, kits, and recipes for producing GHB using the GHB analog GBL are marketed and sold on the Internet.

### GHB Kits

Between March 22, 1999, and January 20, 2000, two brothers operating from Mississippi and South Carolina marketed "GHB kits" on the Internet disguised as computer-cleaning solvents. The kits included instructions for producing GHB from GBL and contained enough GBL and sodium hydroxide (the chemical used to convert GBL to GHB) to make 15 to 20 doses of GHB; the kits were sold for \$55. New Jersey Statewide Narcotics Task Force investigators made nine undercover purchases by communicating via web sites and an e-mail account. Police seized a 55-gallon drum of GBL and 10 pounds of sodium hydroxide from a home owned by the brothers in Mount Pleasant, South Carolina. On March 23, 2002, a New Jersey court sentenced the brothers to 4 years in prison under a plea agreement.

Source: *Associated Press*.

[To Top](#)   [To Contents](#)

## Tests for GHB Analogs

Seized GHB analogs frequently are not identified because detection of such analogs requires specific field and laboratory testing. Three different color tests--cobalt nitrate, Marquis reagent, and Mandelin reagent--are useful for detecting the presence of GHB analogs. (Contact forensic laboratories to obtain specific instructions regarding utilizing these test kits.) Both the Marquis reagent and the Mandelin reagent tests are available commercially.

Routine toxicological screens do not detect GHB or GHB analogs; thus, law enforcement officers and medical personnel must order specific blood and urine tests when they suspect GHB analog abuse. The most common urine tests screen only for the "NIDA-5," five of the most commonly abused categories of drugs--amphetamines (amphetamines, methamphetamine), cocaine (powdered cocaine, crack), cannabinoids (marijuana, hash), opiates (heroin, opium, codeine, morphine), and phencyclidine (PCP). GHB in the blood or urine can result from the ingestion of GHB, GBL, or BD. To yield a reliable result, tests for GHB and GHB analogs must be performed not long after ingestion. Urine tests for GHB and GHB analogs must be performed within 12 hours after ingestion, and blood tests must be performed within 5 hours.

Federal, state, and local forensic laboratories may not routinely test for GHB in blood or urine. For example, the Florida Department of Law Enforcement (FDLE) began testing for GHB in urine on December 1, 2000, but tests are performed only if the suspect exhibits symptoms indicating the presence of GHB. FDLE does not have the resources to conduct blood tests; if blood tests are needed, the samples to be tested must be sent to outside laboratories--some of which are located in other states.

#### GHB Factor in Auto Fatality

On November 21, 2000, a Florida woman under the influence of GHB crashed head-on into another car, killing a passenger in the other vehicle. Hours before the incident, the woman had been arrested after passing out at a red light. A Breathalyzer test failed to detect alcohol; however, the woman admitted to having drunk from a bottle that contained GHB. She posted bond and was released. Two weeks before the fatal collision, the driver had been ticketed for careless driving; police did not detain her because the officer at the scene did not smell alcohol and did not know to test for GHB.

Source: Florida Department of Law Enforcement; *Sr. Petersburg Times*.

Because GHB analogs produce effects similar to GHB, driving under the influence of the analogs is just as dangerous as driving under the influence of GHB. As a result, some agencies have adopted aggressive strategies for identifying drivers who may have consumed GHB. The Pinellas-Pasco Medical Examiner's Office in Florida conducts GHB tests on drivers who are suspected of driving under the influence (DUI). In 2000 GHB was detected in approximately 8 percent of the suspected DUI cases that the office examined.

[To Top](#)   [To Contents](#)

## Legislation

On February 18, 2000, the "Hillary J. Farias and Samantha Reid Date-Rape Prohibition Act of 1999" (Public Law 106-172) was signed into law, legislating GHB as a Schedule I controlled substance. GBL was also regulated under this law as a List I controlled chemical. Illicit use of GHB analogs may now be prosecuted as Schedule I substances under 21 U.S. Code § 813.

GHB analogs are treated as controlled substances under Federal law only if intended for human consumption. According to 21 U.S.C. § 813, "a controlled substance analog(ue) shall, to the extent intended for human consumption, be treated, for the purposes of any Federal law as a controlled substance in Schedule I." Thus, authorities can prosecute drug offenses involving GHB analogs in the same manner as offenses involving GHB. (See 21 U.S.C. § 802(32) for the definition of a controlled substance analog (ue).)

## Outlook

Detering the distribution and abuse of GHB analogs poses unique challenges. Some analogs have legitimate purposes and are legally available. Distributors of illicit GHB analogs will continue to develop new products to disguise their activities, and illicit producers will continue to develop new GHB analogs for the same reasons. Web sites advertising these products will continue to be deceptive and ever-changing. Distributors will develop new disguises for GHB analogs in addition to marketing them as cleaning fluids and dietary supplements. Sharing current information and associated trends relating to GHB analogs among medical personnel, law enforcement officers, and laboratory personnel is essential to stemming the distribution and abuse of these analogs.

[To Top](#)   [To Contents](#)

## Sources

*Annals of Emergency Medicine*

*Associated Press*

Broward County (FL) Commission on Substance Abuse

Emedicine, [www.emedicine.com](http://www.emedicine.com)

Florida Department of Law Enforcement

G. Erick Nielson and Associates

Hazeldon Foundation

*Journal of Medicinal Chemistry*

*Journal of the Clandestine Laboratory Investigating Chemists Association*

Missouri State Highway Patrol

*Neuropharmacology*

*New England Journal of Medicine*

Pennsylvania Attorney General, Bureau of Narcotics Investigation and Drug Control

Porrata Consulting, Inc.

Sioux Falls Police Department

*St. Petersburg Times*

U.S. Code Title 21, Food and Drugs

U.S. Department of Health and Human Services  
Food and Drug Administration  
National Institutes of Health  
National Institute on Drug Abuse  
Community Epidemiology Work Group  
Substance Abuse and Mental Health Services Administration  
Drug Abuse Warning Network

U.S. Department of Justice  
Drug Enforcement Administration  
Philadelphia Field Division  
St. Louis Field Division

United Nations Office for Drug Control and Crime Prevention

WebMD Medical News, [onhealth.webmd.com](http://onhealth.webmd.com)

---

## Addresses

National Drug Intelligence Center  
319 Washington Street, 5th Floor  
Johnstown, PA 15901

Tel. (814) 532-4601  
FAX (814) 532-4690  
E-mail [NDIC.Contacts@usdoj.gov](mailto:NDIC.Contacts@usdoj.gov)

National Drug Intelligence Center  
8201 Greensboro Drive, Suite 1001  
McLean, VA 22102-3840

Tel. (703) 556-8970  
FAX (703) 556-7807

## Web Addresses

ADNET: <http://ndicosa>  
DOJ: <http://www.usdoj.gov/ndic/>  
LEO: [home.lco.gov/lesig/ndic/](http://home.lco.gov/lesig/ndic/)

---

[To Top](#)   [To Contents](#)

[To Publications Page](#)   [To Home Page](#)

---

End of document.

---

---

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

# The Great American Chemical Chase

Don't be a part of the Great American Chemical Chase...Life can be lived without a "magic potion" for every ache and discouragement and problem confronting you.

Prescription pills that cause impairment, "sports" or "health" supplements that are unproven (and costly) or illegal drugs all have their risks. Stimulants, for example, can permanently damage serotonergic neurons, which control feelings of well being. Think about the consequences: Your current and future health, potential brain (or other organ) damage, and the ever-present risk of death.

Poison ivy is naturally occurring. Snake venom is naturally occurring. Just because a chemical exists in your body naturally does not mean that adding additional quantities of it to your body is safe, much less beneficial. **EVEN IF A LITTLE IS GOOD, THAT DOES NOT MEAN THAT A LOT MUST BE BETTER.** Be careful what you add to your body - consequences may be grave.

PROJECT  
GHEB

For more information go to  
[www.projectghb.org](http://www.projectghb.org)

Water in the West... (text is mostly illegible due to high contrast and shadows)

... (text is mostly illegible due to high contrast and shadows)



... (text is mostly illegible due to high contrast and shadows)

... (text is mostly illegible due to high contrast and shadows)

# Gamma Hydroxy Butyrate

GHEB

What you don't know  
can kill you

They call it "carpeting out" when someone on GHB is dancing happily into the night, only to collapse in a heap and "hit the carpet" heading for a fit of vomiting, twitching or an unarousable coma. GHB is degreasing solvent (floor stripper) mixed with drain cleaner, and is a central nervous system depressant, with dangerous side effects. It is NOT a safe and fun drug as claimed on the Internet. Unfortunately, there is no validation process to protect you from false claims on the Internet. People have unknowingly taken GHB as a sleep aid, sexual stimulant or simply a recreational drug of abuse only to find themselves in intensive care in the hospital. Or, long-term to find themselves addicted to GHB. GHB gives a rapid onset of intoxication, comparable to alcohol but with a euphoric high and out-of-body experience. It often causes vomiting and muscle jerking. Breathing may slow to only six breathes per minute. Pulse/blood pressure will probably slow, or may increase. While most people do sleep off a GHB overdose, some will die without medical intervention. A GHB overdose IS a medical emergency.

More than 10,000 adverse reactions to GHB are documented. More than 72 deaths have been deemed GHB related by DEA (170 more to review), perhaps just a tip of the iceberg since routine testing does not detect it. Deaths include a college student who took it as a "safe" sleep aid and died in his sleep. A 15-year-old in California's high desert who gulped GHB at a RAVE died. A 32-year-old male in Atlanta, Georgia died from GHB only. A bodybuilder in Ohio died, with only alcohol and GHB use. A 15-year-old female in Michigan died from GHB/GBL use. Death is even more likely when alcohol or other drugs are added. Some would have lived IF their friends had called for help.

Taken first by bodybuilders in the 1980's when steroids were first controlled, GHB was believed to enhance steroid production. It doesn't work so easily. Many are lured into its use to get drunk without the calories of alcohol, but the risks are not worth it. GHB causes dangerous levels of impairment. An 18-year-old in California was given GHB by his sports trainer. He passed out, hit his head on the curb, and severed an optic nerve. He is blind in one eye. Others who have used GHB report an inability to maintain focus and stay in training, resulting in a lessening of physical conditioning, rather than a gain.

GHB is rapidly growing as a sexual assault problem because it is easily mixed into a drink, hard for a victim to detect, leaves the system quickly, and is difficult for law enforcement to identify. Drug-facilitated rape cases are difficult to prosecute. A victim's efforts to prevent such occurrences and a victim's actions if it does happen are crucial. Don't drink unusual drinks; don't take drinks from strangers; don't leave your drink unattended. If it happens, IMMEDIATE reporting is your best action. A urine sample is needed right away.

Remember too - Getting excessively drunk (alcohol or other recreational drugs) does NOT give anyone the right to rape you, but why volunteer to be a victim? **THINK!**

GHB has "analogs," chemical cousins with identical or very similar effects. GHB is controlled (illegal) federally and in most states. In many states where GHB is illegal, the analogs have been covered and are also illegal. In any case, GHB and its analogs are not safe. Some of the deaths are from analogs.

If you see words such as these on a "sports/health" food supplement you have purchased, BEWARE. These are analogs of GHB and just as dangerous: Gamma butyl lactone or gamma butyrolactone (GBL), 2(3H) furanone dihydro or dihydroxy, 1,4 butanediol, tetramethylene glycol. If the chemical names are different, but the product claims to be "safe" or "legal" or "herbal" GHB, BEWARE. It may be a different analog of GHB.



These products have been sold as Blue Nitro, Renewtrient, Revivarant, Remforce, Firewater, Enliven, Serenity, Revitalize Plus, Thunder Nectar, Rejoov, Flower Power, Dream On, Weight Belt Cleaner and several others - the names keep changing.

Under the influence of GHB, you may not be able to hear (respond to) a phone, pager or doorbell ring or a knock at the door or a baby's cry or a fire alarm. If driving under the influence, you may kill yourself or someone else in a traffic accident.

There is no antidote for GHB. Overdose victims may need to be placed on life support until it passes to assure their survival. In a GHB coma you cannot gag to save yourself if gum in your mouth falls to the back of your throat. You may not hear a fire alarm and save yourself.

**adn.com**

Anchorage Daily News

[Print Page](#)[Close Window](#)**Suspect pleads guilty in fatal drug case****COOPERATION: Three charges will be dropped in agreement with prosecutor.**By JULIA O'MALLEY  
Anchorage Daily News*(Published: December 6, 2005)*

Thairon Hawk, one of three men charged in connection with a 16-year-old Chugiak High School student's fatal drug overdose, admitted in federal court he helped friends conceal evidence they had provided the killer dose of a potent drug.

Hawk, 22, pleaded guilty Monday to being an accessory after the fact, a felony that carries a sentence of up to 15 years in federal prison. His sentence may be closer to six or seven years, according to sentencing guidelines.

Hawk originally was indicted on three other criminal counts related to lying about his involvement in the crime: obstruction of justice, making false material declarations under oath to a grand jury, and making a false statement. Those charges will be dropped at sentencing as part of a plea agreement.

"He learned that two people had overdosed on GHB. He also learned one of those people had died," assistant U.S. attorney Crandon Randell told U.S. District Court Judge Ralph Beistline on Monday. "He took possession of one or more bottles of what he thought was GHB. He assisted in the permanent disposal of those bottles."

Hawk, a 2001 Dimond High graduate, and his friends, Glade Lusk, 22, and Matthew O'Connor, 25, were charged in the fatal overdose at a Spenard apartment in summer 2003.

At a late-night gathering, Meghan Maroney, 16, and an 18-year-old girl took doses of 1, 4-Butanediol, or BD, a drug chemically similar to the date-rape drug GHB, according to police. Maroney died. The other girl became sick but recovered. Lusk and O'Connor are charged with providing the drug.

The next morning, Hawk took the drug bottles and threw them away, possibly into Cook Inlet, according to his plea.

"(Hawk's) role didn't begin until the drug had been distributed and people had gotten sick and overdosed," Randell said. "He saw what was going on, and made the decision to get rid of that stuff at Lusk's request."

Because the plea agreement is sealed, Randell would not say whether the other charges against Hawk were dropped in exchange for his testimony against Lusk and O'Connor.

"There is an agreement. He gets something out of it, we get something out of it," Randell said. "We get finality as far as Mr. Hawk is concerned. Hawk gets the benefit of getting three counts dismissed."

O'Connor was charged with distributing a controlled substance to a person under 21. Lusk was

charged with distributing a controlled substance to a person under 21 and possessing a controlled substance with intent to distribute, causing serious bodily injury and death. Their trial is scheduled for Jan. 17.

Both men have pleaded not guilty.

GHB and BD, made of gamma butyrolcatone and sodium hydroxide or potassium hydroxide -- chemicals found in degreasing solvent, floor stripper and drain cleaner -- can cause loss of muscle control, respiratory problems, loss of consciousness, temporary paralysis, and death, according to the drug information Web site [projectghb.org](http://projectghb.org).

Hawk will be sentenced at a hearing scheduled for Feb. 14.

---

Daily News reporter Julia O'Malley can be reached at [jomalley@adn.com](mailto:jomalley@adn.com) or 257-4325.

[Print Page](#)

[Close Window](#)

Copyright © 2005 The Anchorage Daily News ([www.adn.com](http://www.adn.com))

**adn.com**

Anchorage Daily News

Print Page

Close Window

## Provider of fatal pill gets 13 years

**PLEA: Girl died after consuming drink spiked with date-rape drug.**

By MEGAN HOLLAND  
Anchorage Daily News

(Published: January 12, 2006)

A 22-year-old man agreed to a plea deal Wednesday in which he'll serve 13 years in federal prison for bringing a "date rape" drug to a party in 2003 that killed a teenage girl.

Glade Lusk pleaded guilty to the federal charges of possession of the drug with intent to distribute it and accessory after the fact for trying to get rid of evidence the next day. He was one of three people charged in the case.

The drug, mixed in a drink and passed around at the party, killed a 16-year-old girl and injured two others at the gathering. The drug was a form of the drug GHB, which is colorless, odorless, and causes drowsiness, dizziness and loss of inhibition. It is sometimes called "liquid ecstasy."

"We hope this case sends a very loud message to Alaskan parents and young people, first that GHB can kill you. And second, if you distribute it and give it to your friends, you face a very lengthy jail sentence," first assistant U.S. attorney Deborah Smith told a news conference at the U.S. Attorney's Office in Anchorage. "We plan to prosecute to the full extent of the law."

Anchorage Police Chief Walt Monegan said the case against the three men was the first in Alaska for which someone has been charged with the illegal distribution of the drug. Lusk was prosecuted federally because the particular form of the drug is not illegal in Alaska. Monegan said he wants to change that.

Earlier this month, Matthew O'Connor, 25, pleaded guilty to giving 16-year-old Meghan Maroney the drug and agreed to 10 years in prison. His brother brought her to the party, said John Murtagh, Lusk's attorney.

Last month, Thairon Hawk, 22, pleaded guilty to being an accessory after the fact, a felony that carries a sentence of up to 15 years in federal prison. His sentence may be closer to six or seven years, according to sentencing guidelines.

Murtagh said he and his client did not want to face a jury that might have convicted him of actually handing out the drug and giving it to Maroney, which would have carried a much stiffer federal prison sentence, possibly more than twice the sentence he agreed to. "We had to analyze possible outcomes of the trial," he said.

In June 2003, Maroney and a group of teenagers and young adults gathered at Lusk's apartment



Meghan Maroney, 16, died in 2003 after taking a drug-spiked drink. ( )

on Roosevelt Drive in Spenard. Maroney, a Chugiak High School student, drank the drink containing the drug along with others at the party. Sometime that night or early the next morning, she died.

Prosecutors declined to say whether they believed Maroney knowingly drank the drug. They and police said that until the final court appearances for the defendants' sentencings, they would not discuss details of the case.

But Murtagh said there was nothing predatory about giving the drug to Maroney.

"I believe the evidence would have shown that (all the party-goers) knew it was going to be a (drug) party," he said.

Murtagh said his client was temporarily keeping the drug at his house for a friend, to whom he was going to return it. Lusk did not know Maroney, he said.

Lusk admitted in court documents that he had previously sold ecstasy and similar drugs.

"A lot of this reminds me of the last kid who makes the out in the Little League game," Murtagh said. "(Lusk) shouldn't have had it, it was a danger. But more of the issue is that kids ought to be more careful."

Meghan Maroney's father, Harold, was reached by phone at his Eagle River home Wednesday night.

"This is a big relief for us," he said "It's been a long time coming."

Sentencing for Lusk and O'Connor is scheduled for March 13. Sentencing for Hawk is scheduled for Feb. 14.

---

Daily News reporter Megan Holland can be reached at [mrholland@adn.com](mailto:mrholland@adn.com).

[Print Page](#)

[Close Window](#)

Copyright © 2006 The Anchorage Daily News ([www.adn.com](http://www.adn.com))

**HB**

**380**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 380(RES)  
(H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
Title: Animals and Agricultural Products RDU: Environmental Health  
Component: Laboratory Services  
Sponsor: Representative Kevin Meyer  
Requester: House Resources Committee Component No.: 2065

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's F / 2007 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The bill will have no fiscal impact on DEC.

Prepared by: Kristin Ryan, Director  
Division: Environmental Health  
Approved by: Kurt Frodriksson  
Agency: Commissioner

Phone: (907) 269-7644  
Date/Time: 2/6/06 8:43 AM  
Date: 2/6/2006

2/28/06 - adopted

24-LS1469Y  
Bannister  
2/27/06

CS FOR HOUSE BILL NO. 380( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVE MEYER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the commissioner of environmental  
 2 conservation; relating to animals, animal products, agricultural products, and the  
 3 transportation of animals and animal products; relating to the employment,  
 4 appointment, and duties of a state veterinarian by the commissioner of environmental  
 5 conservation; relating to the powers of the commissioner of natural resources regarding  
 6 agricultural products; relating to animal rabies prevention and control; and providing  
 7 for an effective date."

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

9 \* Section 1. AS 03.05.011 is repealed and reenacted to read:

10 Sec. 03.05.011. Powers of commissioner of environmental conservation. (a)  
 11 To carry out the requirements of this title over which the department has jurisdiction,  
 12 the commissioner may

13 (1) issue orders or permits relating to or authorizing the examination,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

inspection, testing, quarantine, or embargo of animals or animal products, or premises containing or having contained animals or animal products, in order to prevent the spread of pests or contagious or infectious disease;

(2) conduct tests, analyses, and hearings to determine whether to issue an order or permit under this section;

(3) cooperate with federal, state, municipal, and other governmental agencies regarding powers and duties under this section;

(4) issue orders or permits relating to or authorizing the custody, care, or destruction of animals or animal products to prevent the spread of pests or contagious or infectious disease;

(5) designate points of entry for the admission of animals or animal products into the state; and

(6) issue orders or permits relating to, or authorizing the examination, testing, or care of, animals or animal products to be transported into, within, or from this state, in order

(A) to prevent the spread of pests or contagious or infectious disease; or

(B) to promote safe or sanitary conditions for the animals or animal products to be transported.

(b) The commissioner may

(1) charge fees for services performed by the state, state officers, and state employees, including a state veterinarian, under this section;

(2) designate individuals, independently or in cooperation with federal, state, municipal, or other governmental agencies, to carry out and enforce, under the direction of the state veterinarian, the requirements of this title over which the department has jurisdiction; and

(3) adopt regulations under AS 44.62 (Administrative Procedure Act) to implement and interpret this section; when adopting regulations under this paragraph, the commissioner shall give substantial weight to the typical practices and standards in the state and in the United States of the industry for which the regulations are designed.

1 (c) Before taking custody of or destroying an animal or animal product under  
2 (a)(4) of this section, or imposing a quarantine, placing an embargo, or taking another  
3 action under this section that deprives a person of an animal or animal product, the  
4 department shall provide for notice and an opportunity to be heard to the owner or  
5 person in possession of the animal or animal product, unless the commissioner  
6 determines there is an immediate threat to the health or safety of an animal or the  
7 public.

8 (d) Nothing in this section affects the authority of another agency of this state.

9 (e) In this section,

10 (1) "commissioner" means the commissioner of environmental  
11 conservation;

12 (2) "department" means the Department of Environmental  
13 Conservation.

14 \* Sec. 2. AS 03.05 is amended by adding a new section to read:

15 Sec. 03.05.013. State veterinarian. The commissioner of environmental  
16 conservation may employ or appoint a person to act as the state veterinarian to carry  
17 out and enforce the requirements of this title over which the Department of  
18 Environmental Conservation has jurisdiction. To be eligible for appointment as the  
19 state veterinarian, a person must be licensed or otherwise legally authorized under  
20 AS 08.98 to engage in the practice of veterinary medicine in the state.

21 \* Sec. 3. AS 03.05.040(a) is amended to read:

22 (a) To carry out the requirements of this chapter, on any business day  
23 during the usual hours of business, or at any time if the commissioner determines  
24 that there is an immediate threat to the health or safety of an animal or the  
25 general public, the commissioner or an individual designated by the commissioner  
26 as an [AUTHORIZED] inspector may, for the purpose of inspecting animals, animal  
27 products, agricultural products, or premises containing or having contained  
28 animals, animal products, or agricultural products [SUBJECT TO  
29 REGULATION], enter a storehouse, warehouse, cold storage plant, packing house,  
30 slaughterhouse, retail store, or other building or place where animals, animal  
31 products, or agricultural [THOSE] products are or have been raised, housed, kept,

1 stored, processed, or sold.

2 \* Sec. 4. AS 03.05.050(a) is amended to read:

3 (a) An animal, animal product, or agricultural product found by the  
4 commissioner, or an individual designated by the commissioner as an  
5 [AUTHORIZED] inspector, to violate a regulation adopted under this chapter is  
6 declared to be a public nuisance injurious to the public interest and may not be moved  
7 by the person in whose possession it may be except at [UPON] the specific direction  
8 of the commissioner or inspector.

9 \* Sec. 5. AS 03.05.090 is amended by adding new subsections to read:

10 (b) A person who violates an order issued, a regulation adopted, a permit  
11 issued, a quarantine imposed, or an embargo ordered under AS 03.05.011, or a person  
12 who directs or orders a person to commit the violation, is subject to a civil fine of not  
13 more than \$500 for each violation.

14 (c) If the Department of Environmental Conservation issues an order  
15 regarding, adopts a regulation on, issues a permit regarding, imposes a quarantine on,  
16 or orders an embargo on an animal or animal product that the Department of  
17 Environmental Conservation reasonably believes carries pests, a contagious disease, or  
18 an infectious disease, a consignee who knowingly receives, or a carrier who  
19 knowingly transports, the animal or animal product in violation of the order,  
20 regulation, permit, quarantine, or embargo is subject to a civil fine of not more than  
21 \$500 for each violation.

22 (d) The Department of Environmental Conservation or a court of competent  
23 jurisdiction may impose the fine authorized by (b) or (c) of this section.

24 (e) Each animal, animal product, or premises containing or having contained  
25 animals or animal products involved in a violation described in (b) or (c) of this  
26 section constitutes a separate violation under (b) and (c) of this section. Each day on  
27 which a violation described in (b) or (c) of this section occurs constitutes a separate  
28 violation under (b) and (c) of this section.

29 (f) In this section, "knowingly" has the meaning given in AS 11.81.900(a).

30 \* Sec. 6. AS 03.05.100(1) is amended to read:

31 (1) "agricultural products" does not include fish, [OR] fisheries

1 products, animals, or animal products;

2 \* Sec. 7. AS 03.05.100 is amended by adding new paragraphs to read:

3 (4) "animal" means an animal other than a human being and includes a  
4 mammal, insect, bird, fish, and reptile, whether wild or domestic, and whether living  
5 or dead;

6 (5) "animal product" means a product, article, or commodity  
7 containing any part of an animal.

8 \* Sec. 8. AS 44.46.025(a) is amended to read:

9 (a) Except as otherwise provided in AS 37.10.050 - 37.10.056, the Department  
10 of Environmental Conservation may adopt regulations that prescribe reasonable fees,  
11 and establish procedures for the collection of those fees, to cover the applicable direct  
12 costs, not including travel except in the case of a designated regulatory service, as that  
13 term is defined in AS 37.10.058, of inspections, permit preparation and administration,  
14 plan review and approval, and other services provided by the department relating to

15 (1) [AGRICULTURE AND] animals and animal products under  
16 AS 03.05; food, drugs, and cosmetics under AS 17.20; and public accommodations  
17 and facilities under AS 18.35;

18 (2) certificates of inspection for motor vehicles under AS 46.14.400 or  
19 46.14.510;

20 (3) drinking water systems under AS 46.03.720;

21 (4) water and wastewater operator training under AS 46.30;

22 (5) waste management and disposal authorizations under  
23 AS 46.03.100;

24 (6) certification of laboratories conducting environmental analyses of  
25 public drinking water systems or of oil or hazardous substances, or conducting other  
26 analyses required by the department;

27 (7) certification of federal permits or authorizations under 33 U.S.C.  
28 1341 (sec. 401, Clean Water Act);

29 (8) regulation of point source discharges of pollutants under the  
30 program authorized by AS 46.03.020(12);

31 (9) regulation of pesticides and broadcast chemicals registered under

1 AS 46.03.320(a)(4), with a reasonable fee not to exceed \$120;

2 (10) licensing of pesticide applicators under AS 46.03.320(b), with a  
3 reasonable fee not to exceed \$25.

4 \* Sec. 9. AS 47.05.012 is amended to read:

5 Sec. 47.05.012. Material incorporated by reference. Under  
6 AS 44.62.245(a)(2), in adopting or amending a regulation that incorporates a  
7 document or other material by reference, the department may incorporate future  
8 amended versions of the document or other material if the document or other material  
9 is one of the following:

10 (1) a document that is published, compiled, or prepared by the United  
11 States Department of Health and Human Services and is included in the following list:

12 (A) the international classification of diseases, clinical  
13 modifications;

14 (B) the common procedure coding system;

15 (C) the specifications for national uniform billing data  
16 elements;

17 (D) the federal poverty guidelines for the state;

18 (E) the Indian Health Service encounter rates; or

19 (F) the relative value units used in the Medicare program for  
20 determination of fee schedules;

21 (2) the current procedural terminology for physicians published by the  
22 American Medical Association;

23 (3) the diagnostic and statistical manual of mental disorders published  
24 by the American Psychiatric Association;

25 (4) the length of stay in hospitals by diagnosis and operation for the  
26 western region of the United States, published by Solucient;

27 (5) the relative value guide published by the American Society of  
28 Anesthesiologists;

29 (6) the consumer price index published by the United States  
30 Department of Labor;

31 (7) the health plan employer data and information set published by the

1 National Committee for Quality Assurance;

2 (8) practice standards adopted by the American Academy of Pediatrics,  
3 American College of Obstetricians and Gynecologists, American Diabetes  
4 Association, American Cancer Society, American Academy of Family Physicians,  
5 American College of Physicians, United States Centers for Disease Control and  
6 Prevention, Agency for Healthcare Research and Quality, or the National Asthma  
7 Education and Prevention Program;

8 (9) the compendium of animal rabies prevention and control [, 2002,]  
9 published by the United States Centers for Disease Control and Prevention;

10 (10) the control of communicable diseases manual published by the  
11 American Public Health Association;

12 (11) the standards manual and interpretative guidelines for behavioral  
13 health, employment and community support services, and for medical rehabilitation  
14 published by the Commission on Accreditation of Rehabilitative Facilities;

15 (12) consumer assessment of health plans published by the Agency for  
16 Health Care Policy and Research; or

17 (13) resources for optimal care of the injured patient published by the  
18 Committee on Trauma, American College of Surgeons.

19 \* Sec. 10. AS 03.05.020, 03.05.060, 03.05.080; AS 03.25.010, 03.25.020, 03.25.250;  
20 AS 03.45.040, 03.45.050, 03.45.060; and AS 03.53.010 are repealed.

21 \* Sec. 11. The uncodified law of the State of Alaska is amended by adding a new section to  
22 read:

23 TRANSITIONAL PROVISIONS: REGULATIONS. The Department of  
24 Environmental Conservation and the Department of Natural Resources may proceed to adopt  
25 regulations necessary to implement the changes in secs. 1 - 8 of this Act. The regulations take  
26 effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the  
27 law implemented by the regulation.

28 \* Sec. 12. Section 11 of this Act takes effect immediately under AS 01.10.070(c).

29 \* Sec. 13. Except as provided in sec. 12 of this Act, this Act takes effect July 1, 2006.

adopted

24-LS1469\Y.1  
Bannister  
2/28/06

AMENDMENT

Meyer

OFFERED IN THE HOUSE

TO: CSHB 380( ), Draft Version "Y"

1 Page 2, lines 21 - 22:

2 Delete all material and insert:

3 "(1) adopt a schedule of fees or charges, and credit provisions, for  
4 services related to animals and animal products rendered by state veterinarians to  
5 farmers and others at their request, and all the receipts from the fees and changes shall  
6 be transmitted to the commissioner for deposit in the state treasury;"

changes

*adopted*  
*2/28/06*  
AMENDMENT *2*

OFFERED IN THE HOUSE

BY REPRESENTATIVE HOLM

TO: CSHB 380( ), Draft Version "Y"

1 Page 1, line 11, following "title":  
2       Insert "relating to animals or animal products"

3  
4 Page 2, line 5, following "permit":  
5       Insert "relating to animals or animal products"

6  
7 Page 2, line 21, following "services":  
8       Insert "relating to animals or animal products"

*Delete*

9  
10 Page 2, line 25, following "title":  
11       Insert "relating to animals or animal products"

12  
13 Page 3, line 17, following "title":  
14       Insert "relating to animals or animal products"

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

410 Willoughby Ave., Ste 303  
Post Office Box 111800  
Juneau, AK 99811-1800  
PHONE: (907) 465-5066  
FAX: (907) 465-5070  
<http://www.dec.state.ak.us>

February 27, 2006

The Honorable Kevin Meyer  
House of Representatives  
Alaska State Capitol, Room 515  
Juneau, Alaska 99801-1182

Dear Representative Meyer:

The Alaska Department of Environmental Conservation supports House Bill 380.

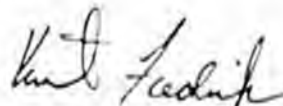
Alaska's ability to respond to threatening animal diseases is limited by antiquated, disorganized, and inadequate statutory authority. The State Veterinarian's statutory duties and responsibilities need to be updated to address today's new and emerging life threatening human diseases that come from exposure to animals.

As the World watches Avian Influenza spread from country to country, the United States is preparing to respond and protect Americans. Alaska's role in this effort is critical. Alaska will most likely be the first State to find Avian Influenza in birds due to migration patterns. The President is responding by directing federal funds to surveillance and preparedness programs with the biggest bird surveillance effort occurring in Alaska. The new Environmental Health Laboratory is currently receiving the appropriate federal certifications to test thousands of samples that will be collected this summer.

The best way to protect the public is to limit the spread of Avian Influenza among birds and do it quickly. HB380 is essential to give Alaska's animal expert the unambiguous statutory authority to appropriately respond. As part of the national Avian Influenza plan, The President has ordered States ensure laws are in place to quickly respond to Avian Influenza. Avian Influenza is still an animal disease, and HB 380 is needed to keep it that way.

If found, Avian Influenza will be devastating to Alaska's subsistence communities, commercial hunting, tourism, and commercial farms. We appreciate the fact that the legislature has recognized the importance of this and thank Representative Meyer for introducing HB 380 so Alaska can protect its citizens and animals.

Sincerely,



Kurt Fredriksson  
Commissioner



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## SPONSOR STATEMENT

HB 380

*"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."*

House Bill 380 repeals and reenacts several provisions of Title 3 to modernize the powers of the Commissioner of the Department of Environmental Conservation and the State Veterinarian. HB 380 will allow the State Veterinarian to respond accordingly and immediately to potential dangers to Alaskans and our animal populations. Avian influenza is one in a long list of zoonotic diseases that can be devastating to animals and potentially pandemic in human populations. While headlines predict millions of potential deaths from Avian Flu, other immediate issues arising in Alaska are difficult to deal with because of the convoluted authority of the State Veterinarian. The geographic position that makes Alaska a center of air cargo traffic and a critical strategic base for our military forces also puts Alaska at risk from diseases carried across the globe by migratory birds and marine mammals.

The most immediate threat to humans from a zoonotic disease comes from exposure to domestic animals. Yet, the statutes governing Alaska's State Veterinarian were passed prior to statehood in 1949 when the concern of the territorial legislature was on the state of fur farms and animals were considered livestock. Under existing authority, the State Veterinarian would be unable to respond to an outbreak of disease in a backyard bird flock because the birds would not necessarily be considered livestock. To date, all cases of Avian Flu infections in humans have come from exposure to personal bird flocks.

Many of the authorities in this legislation exist today but in a less organized fashion.

By eliminating outdated requirements such as reporting to the legislature on fur farming, and clarifying existing authorities, the State Veterinarian's responsibilities can be focused on what is most important to Alaska - ensuring animal diseases do not spread or harm humans. Through collaboration with the Departments of Health and Social Services, Fish and Game and Natural Resources, the State Veterinarian fills an essential role in this process but needs clearer authority to do so.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

## MEMORANDUM

January 24, 2006

TO: Representative Kevin Meyer

FR: Michael Pawlowski

RE: Sectional Analysis: HB 380 *Animals & Animal or Agricultural Products*

House Bill 380 *Animals & Animal or Agricultural Products* repeals and reenacts several statutes relating to the powers of the commissioner of environmental conservation, the state veterinarian and the commissioner of natural resources regarding agricultural products. Below is an explanation of the expansions of authority added by, and a summary of the existing powers repealed and reenacted in, HB 380.

### Section 1: Powers of commissioner of environmental conservation

In repealing and reenacting AS 03.05.011, HB 380 broadens the scope of the original statute while preserving the overlapping authority that currently exists between DEC and DNR to monitor the health of animals in the state. The reenacted AS 03.05.011 includes the powers granted to DEC under the original AS 03.05.011, AS 03.05.020 (miscellaneous powers), 03.05.060 (spread of contagious diseases in livestock), 03.05.080 (controlling the exportation of animals), the power to adopt regulations under AS 44.62 (APA), the power to charge fees, and notice requirements for actions taken under AS 03.05.011.

By moving powers spread throughout statute to a blended AS 03.05.011, the statute can be modernized and the corresponding authorities repealed. Additionally, where some powers are conferred, other requirements in statute can be repealed. The power granted in the proposed AS 03.05.011 to regulate and prohibit the importation or transportation of animals with diseases is adequate enough to warrant the repeal of the requirement in AS 03.53.010 to obtain a health certificate for an animal traveling on the state ferry system.

The primary change however, in the reenacted section is the extension of DEC's authority to inspect, test, quarantine, or embargo from *livestock* to *all animals*. The world has changed significantly since the original statutes were passed in 1949 and the broadening of AS 03.05.011 reflects the reality that animals are no longer uniformly considered livestock.

The authority of DEC to cooperate with other governmental agencies is also expanded in the reenacted AS 03.05.011 (3) to include "municipal and other governmental agencies." In the original 03.05.011 the department was only authorized to cooperate with "federal and other state agencies." An outbreak of a zoonotic disease like avian influenza requires a rapid coordinated response by federal, state and local officials. An updated AS 03.05.011 allows the department to cooperate with all the interested parties to prepare for a potential emergency.

The reenacted AS 03.05.011 represents a consolidation of authorities into a single statute that reflects the complicated regulatory, inter and intra-governmental and virological environment the department of environmental conservation and the state veterinarian are confronted with.

## Section 2: State Veterinarian

Section 2 of HB 380 is a new section that replaces AS 03.25.010, 03.25.020 & 03.25.250, which are subsequently repealed in section 9. Chapter 25 of title 3 was written in 1949 and made the primary purpose of the state veterinarian the investigation of fur farms. The fur farm provisions have been removed from the proposed new AS 03.05.013. The removal of the antiquated provisions will make the statutes comport to the world the state veterinarian is confronted with. The new section makes the responsibility of the state veterinarian the requirements of the title over which the department has jurisdiction. The new section will also require the state veterinarian to be licensed to engage in the practice of veterinary medicine.

## Section 3 & Section 4: Inspection & Products in Violation

Section 3 makes conforming amendments to AS 03.05.040 (a) & 03.05.050 (a):

- Expanding the time during which, locations where and persons authorized to, inspect a place where animals, animal products and agricultural products are raised, housed, kept, stored, processed or sold.
- Expanding the definition of what may be inspected for to include animal and animal products in addition to agricultural products.

## Section 5: Penalty for Violation

Section 5 adds 5 new subsections to AS 03.05.090 specifying penalties for violations of the chapter and defining "knowingly" for purposes of the section.

## Section 6: Definitions

Excludes "animals, or animal products" from the definition of agricultural products.

### Section 7: Definitions

Adds definitions of "animal" and "animal product" to the definitions section.

### Section 8: Fees for Services

Makes a conforming change to the products that the department of environmental conservation is allowed to charge fees to recover their direct costs for.

### Section 9: Repealing

Section 9 repeals:

AS 03.05.020	Incorporated in section 1.
AS 03.05.060	Incorporated in section 1.
AS 03.05.080	Incorporated in section 1.
AS 03.25.010	Incorporated in section 2.
AS 03.25.020	Incorporated in section 2.
AS 03.05.250	Incorporated in section 2.
AS 03.45.040	Incorporated in section 5.
AS 03.45.050	Incorporated in section 3.
AS 03.45.060	Incorporated in section 1.
AS 03.45.070	Incorporated in section 1.
AS 03.45.080	Incorporated in section 1.
AS 03.53.010	Incorporated in section 1.

### Section 10: Transitional Provisions

Transitional provisions allowing the department of environmental conservation and department of natural resources to adopt regulations needed to implement the changes in this Act.

**Section 11: *Effective Date***

Immediate effective date for section 10.

**Section 12: *Effective Date***

Provides an effective date of July 1, 2006 for sections 1-9

## Testimony HB 380:

The current rapid pace of disease emergence at the beginning of the 21<sup>st</sup> century has created new challenges for the management and control of animal and public health diseases. The emergence of new diseases has been primarily associated with an increased interaction with animals. It is now recognized that over 70% of the recent infectious diseases affecting human health and human economies are zoonotic diseases (animal diseases that infect people). In the past infectious diseases and the laws in place to control them were categorized according to a convenient but artificial system:

diseases of livestock,  
diseases of wildlife,  
diseases of pets, and  
diseases of humans.

Infectious diseases are rarely restricted to an individual species and are not contained by any artificial geographic or political boundary.

Diseases can be introduced to a new area through a number of routes. For examples let us review a few of the recent outbreaks of some highly publicized emerging disease and how they were spread.

- Importing pet rodents from Africa caused a Monkey Pox outbreak in humans in several Midwestern states. The rodents were imported into an Illinois pet store; the rats infected other rodents including prairie dogs. These animals were then shipped to several states. There was no authority that was responsible for regulating these pets.
- Consumption of meat products contaminated with prions – initially thought to only exist in brain matter and the spinal column – has caused Bovine Spongiform Encephalopathy, Mad Cow Disease in humans. The economic impact has been global.
- Consumption of improperly cooked or contaminated meat is one pathway for E coli, Campylobacter, and Salmonella to result in public health disasters
- Milk and dairy products (Cheese) contaminated with Listeria, Tuberculosis, brucellosis, E. Coli, and most recently and unusual problem with rabies virus in milk that occurred in Oklahoma .....
- animal movement/migration is a concern with the spread of Avian Influenza-waterfowl, Chronic Wasting Disease-white tailed deer
- insect vectors (West Nile Virus, dengue fever, and malaria- mosquitoes, Lyme Disease-ticks)

There are also threats to public health from diseases that have been around for many years and thought to be under control. They have re-emerged and are in populations that were previously not known to have the disease. For example; outbreaks of two zoonotic diseases, tuberculosis and brucellosis, in wildlife and livestock have resulted in Minnesota, Michigan, Montana, California, Arizona, and Texas losing their status as disease-free states. Something Alaska can currently claim. Being disease free allows easier movement of animals across

borders and eliminates the additional cost to the producer for testing each animal. Other diseases have re-emerged as a threat due to genetic mutations that make the pathogen more resistant to commonly used antibiotics. Antibiotic resistant strains of E. coli O-157, Salmonella and tuberculosis have been identified resulting in increased morbidity and mortality rates and escalating health care cost.

The consequence of all these disease outbreaks has had major impact on both animal health, public health, as well as regional and national economies.

**In Alaska, there is no state agency that has the authority to manage all animals (domestic, wild or exotic) that may carry diseases that threaten the State's animal resources and public health.**

**The current authority of the State Veterinarian is limited to livestock, poultry and animals on fur farms.**

How has the state managed some of these problems in the past?

In the February of 2004 a veterinarian reported that several horses had acutely died in Kodiak. The disease investigation was initiated by the State Veterinarian in collaboration with the USDA, UAF and local practitioners. The Public Health Department was notified. No person had the authority to stop all animal movement (pets, livestock, wildlife, animals for exhibition) to prevent the possible spread of a potentially dangerous disease during this investigation. The State Veterinarian had the authority to quarantine livestock and poultry only. All animal movement on and off Kodiak was curtailed through the **voluntary** cooperation of DOD-US Coast Guard, State Dept of Transportation- Ferry System, private airline carriers with the Office of the State Veterinarian. Five horses and a donkey died in the span of two weeks; fortunately the cause of the equine deaths was not an infectious disease.

In the summer of 2005 a dog kennel owner imported some ducks into Alaska to train hunting dogs. He reported that 200 of 500 of the ducks had died over the course of 2 weeks. These ducks are not considered poultry. There was a high level of concern due to the outbreak of Avian Influenza in Southeast Asia. The disease investigation was coordinated by the State Veterinarian in collaboration with the USDA. The owner agreed to the disease control measures that were instituted during the investigation: quarantine, cancellation of all dog trials scheduled, sampling of the remaining flock of ducks. The condition was treated with an antibiotic and the deaths ceased. The disease was not the result of Avian Influenza or any other foreign animal disease but caused by a common bacterial disease.

In the past disease investigations have been successfully managed and controlled with the voluntary cooperation of all parties involved. The state cannot depend on this in the future, there needs to be clear statutory authority in situations of an animal disease outbreak.



January 26, 2006  
The Honorable Representative Kevin Meyer

We wanted to let you know that The Alaska Veterinary Medical Association supports HB 380. Technology, society and animal diseases have changed dramatically since the original 1949 statutes. The changes that have occurred since then are not as important as the changes you are proposing today. We believe the proper protocol for controlling animal disease and infections needs to exist to adequately protect the animal resources and people of our State. This bill is essential in assuring a mechanism to investigate, control the spread of and eradicate dangerous emerging zoonotic and debilitating diseases of this era.

The Office of the State Veterinarian works closely with our organization and it is a collaborative relationship that has been beneficial for private veterinarians. (Dr. Gerlach offers training and assistance as requested) and for the State (private veterinarians are the first responders in the field to animal emergencies such as disease outbreaks and natural disasters). Together, we meet the current challenges that face the State. Existing and emerging diseases such as Rabies, Monkey Pox, Avian Influenza, SARs and West Nile Virus have significant impacts in our world. As a profession, we must better address the fact that diseases in pets, livestock, and wild-life can harm humans. HB 380 will help us achieve that.

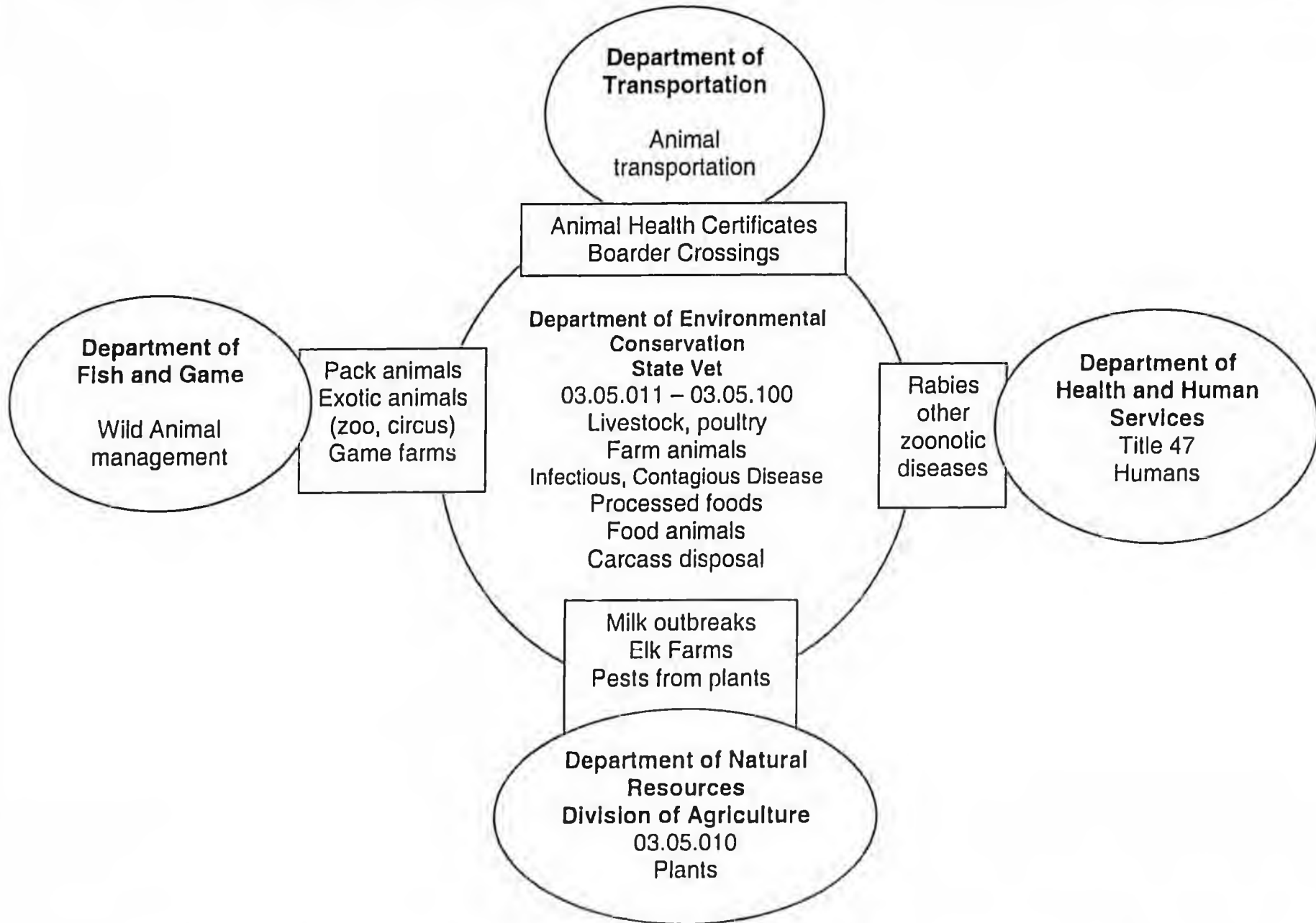
Thank you for introducing this important legislation.

Sincerely,

AKVMA Board of Directors  
President: Dr. Siri Kavanaugh  
Anchorage—522-1006

# State of Alaska, Animal Health Management System

---



HB 380 would fill a critical gap by including domestic animals under the State Vet.

**Alaska, feds join in hunt for avian flu**

**SCREENING: State is a crossroads and could be disease's landing point.**

By ANN POTEMPA  
Anchorage Daily News

*(Published: January 20, 2006)*

Government agencies will study thousands of birds throughout Alaska this year in search of avian influenza, particularly the deadly H5N1 strain that's been transmitted to people, state and federal officials said Thursday.

According to the World Health Organization, 148 cases of H5N1 influenza in people have been reported from six Asian and European countries since December 2003, resulting in 79 deaths.

Rick Kearney, the wildlife program coordinator for the U.S. Geological Survey, spoke about bird flu alongside state health leaders Thursday at a downtown luncheon for Commonwealth North, a local civic group. While surveillance for flu viruses in birds is not new in Alaska, a partnership of state and federal agencies will step up efforts this year because Alaska is a place where several migratory pathways meet.

"Alaska could be that place where the virus arrives in North America," Kearney said.

Kearney said a new, faster test for the H5N1 strain will be able to look through hundreds of samples and return results within a week.

Last year, the U.S. Department of the Interior studied more than 1,000 live birds throughout the state, Kearney said. The University of Alaska also has studied thousands of birds in recent years.

"We have not detected H5N1 in wild birds in Alaska. Period," said Douglas Causey, vice provost of research and graduate studies for the University of Alaska Anchorage.

Birds can carry more than 100 kinds of flu, Causey said. Some of these flu viruses have been found in Alaska birds, but unlike H5N1, most of them are not dangerous and are less likely to make people sick, said Kearney and Causey.

"We have a lot of influenza in birds here in Alaska," Causey said. "We always have had, and we always will have."

In 2006, a partnership of state and federal agencies, along with the University of Alaska, will conduct surveillance for bird flu. Kearney said the partnership will study up to 6,000 live waterfowl and shorebirds that migrate between Alaska and Asia. That research will begin this spring when birds start arriving. The National Wildlife Health Center in Madison, Wis., will test the samples.



U.S. Fish and Wildlife Service employees gather samples from waterfowl near Cold Bay on Oct. 25, looking for the Asian H5N1 strain of the avian influenza virus. The wildlife service is working in conjunction with the U.S. Geological Survey at the National Wildlife Health Center in Madison, Wis., to conduct surveillance on the virus. *(U.S. Fish and Wildlife Service via The Associated Press)*

Another project will test about 4,000 birds killed by subsistence hunters here this spring, and about 3,000 more birds killed during the fall hunt, Kearney said. The federal government also will collect samples of bird feces to look for the virus.

---

Daily News reporter Ann Potempa can be reached at 257-4581 or [apotempa@adn.com](mailto:apotempa@adn.com).

---

[www.adn.com](http://www.adn.com)

Print Page

Close Window

Copyright © 2006 The Anchorage Daily News ([www.adn.com](http://www.adn.com))

**adn.com**

Anchorage Daily News

Print Page

Close Window

**State, federal officials offer bird flu advice****LUNCHEON: If sickness does strike in Alaska, sanitation rules will help slow its transmission.**By ANN POTEMPA  
Anchorage Daily News*(Published: January 20, 2006)*

State and federal officials attending a Commonwealth North luncheon Thursday answered questions about bird flu and gave Alaska residents and businesses advice about how to prepare for a possible flu outbreak.

Q. How could bird flu make its way to Alaska?

A. There are several possible routes. It could arrive via international commerce routes, such as pet or animal trade, said Rick Kearney, the wildlife program coordinator for the U.S. Geological Survey. Other possibilities are international travel of infected people or infected birds that migrate between Alaska and other parts of the world.

Q. What might a flu pandemic in Alaska be like?

A. Health officials made estimates based on the number of illnesses and deaths reported during the flu pandemics of the 1900s.

The next pandemic in Alaska could make 200,000 people sick. That's almost a third of the state's residents.

"If half of them seek medical care, that would be about 100,000 people showing up in clinics," said Dr. Jay Butler, the state's chief epidemiologist.

Q. Health officials say a vaccine likely won't be available at the beginning of a flu pandemic, and virus-fighting medication could be in short supply. What can an Alaskan do to try to prevent illness?

A. Dr. Richard Mandsager, the state's public health director, said Americans like to act like heroes, coming to work when they have fevers and aren't feeling well. That has to change, he said: When you're sick, you need to stay home.

Mandsager listed other ways to prevent flu from spreading:

- Wash your hands or use a hand sanitizer.
- Cover your mouth when you sneeze or cough.
- Try not to touch your eyes, nose or mouth.
- Get sufficient rest and exercise, and eat well.

- Drink alcohol in moderation, or none at all.
- Stay away from tobacco smoke.
- Get a flu shot every year.

Q. What should businesses do to prepare for an outbreak?

A. Mandsager said businesses should look at whether they can continue providing their essential services if large percentages of employees are out sick. Human resources departments will need to consider ways to change the business, possibly allowing sick people to stay home and work.

"As you consider employees, consider families as well," Butler said.

[Print Page](#)

[Close Window](#)

Copyright © 2006 The Anchorage Daily News (www.adn.com)

Feb 22, 2006

Rep. John Harris, Speaker  
Alaska House of Representatives  
Juneau, Alaska

Dear Rep Harris,

I am writing on behalf of the Alaska Farmers Union to express our concerns regarding HB 380. This bill greatly expands the power of the Commissioner of the Department of Conservation and the State Veterinarian. I have read through both the current statute and the proposed legislation. While some modernization of the statute is warranted, I believe the proposed legislation goes beyond what is needed.

On page 3, the new legislation will allow inspections any day and any time. I believe inspections should be limited as in current statute unless the Governor has declared an emergency endangering the health of animals or the public.

On page 4, the Department of Conservation is given the power to levy fines. I believe this is government confiscation of private property without due process.

Also on page 4, Sec 6 and 7 are contradictory. Sec. 6 excludes fish, fisheries products, animals, or animal products. Does this Sec. negate all the rest of the legislation? And then Sec 7 turns around and includes "fish" in the definition of "animal"

On page 5, the Department is given authority to "prescribe fees" DEC can inspect and then send a bill to the person inspected for the service? The proposed legislation also eliminated compensation if animals or animal products are destroyed. Both of these provisions shift the financial burden of public health and safety onto the individual. If this legislation is about protecting the health of Alaskans then the state should pay. We want cooperation from animal owners, not fear. If an animal owner knows reporting a suspicious death in his herd or flock is going to be a personal financial burden, he is less likely to report it.

Rep. Meyer, the bills sponsor, suggests this legislation is in response to avian flu. Neither this legislation nor any other will prevent avian flu from eventually reaching Alaska. The number of migratory birds that come into and out of Alaska each year pose a much greater risk to Alaskans health where contact with infected birds is most likely to occur on hunting trips in less than ideal sanitary conditions. Let's keep our focus on protecting public health, not on funding DEC through burdensome fees and fines.

Thank you, for your time and your service to Alaska.

Don Bramard, President  
Alaska Farmers Union

## Alaska State Public Opinion Message System: Communicate with your legislators

[Edit Contact Information](#)[Edit Recipients](#)[Edit Message](#)

Please print this page for your records

A POM was successfully sent

**From:**

Jeannie Pinkelman

**To:**

Rep. Coghill, Rep. Harris, Rep. Holm, Rep. Meyer, Rep. Neuman, Rep. Rainras, Rep. Stoltze, Sen. Huggins, Sen. Seekins, Sen. Therriault

**Subject**

The message was sent in reference to:

HB 380 (Animals & Animal Or Agricultural Products)

**Message**

The message contained the following text:

*HB380 worded to loosely. Unclear and appears as an invasion of personal privacy using excessive government control. It's creating another layer of government for DEC to monitor hiring pest-cops to control pest and disease disguised as promoting safe and sanitary conditions for animal or products ultimately in violation of privacy.*

[Begin Another POM](#)[Logout](#)



# Ward Farms

---

P.O. Box 1087 - Delta Junction, Alaska 99737 - Phone (907) 895-5415 Fax 895-5416

Representative John Harris  
Fax 465-3799

Dear John,

Please review and distribute this letter as appropriate to guide the public process in the deliberation of HB 380. This legislation will implement extensive changes in the oversight of animals and animal products and will have significant impacts on those who are involved in the agriculture industry. This bill was heard by the House Resources committee and passed out without any input from the private sector. It was irresponsible for committee members to pass this bill on without hearing from the economic sector that will be most impacted by its passage.

This bill is now before the House Finance Committee. The major issues at hand are Resource issues and the Finance committee should send this bill back to the Resource committee for a proper and comprehensive hearing.

Some of the issues at stake in this legislation include but are not limited to:

As a livestock producer, my comments are limited to the impact on the commercial livestock industry but that doesn't diminish its impact on other segments of the animal or animal products industry.

The Bill authorizes the Commissioner of DEC to appoint almost anyone to carry out the requirements of the Title (Sec 03.05.011(b2). While this is assumed to be licensed veterinarians, it must be first noted that most of the vets in this state are dog & cat vets and haven't the training or expertise to identify or treat most livestock diseases. Beyond that, in all likelihood, this authority could be given to animal control officers or special interest groups like SPCA & PETA who not only are totally unqualified but are driven by their own agenda. The State or its designees are not qualified to visually or professionally judge whether my livestock is healthy or poses a risk to others.

The Bill grants broad powers to the State to enter property, take into custody, quarantine, embargo, or destroy animals. The provision in (c) providing the owner "notice and an opportunity to be heard" is laughable. It doesn't allow the owner to defend, challenge, or refute the action nor does it require the State to offer proof or substantiation for their actions. Once the State decides to take action against an animal owner, the owner's commercial livestock business is in jeopardy, the burden of defense is on the owner, and the reputation of the business is damaged. The very hint of disease in animals raises a fear in the public mind and damages the business enterprise in question. Its been documented that most of the disease testing in livestock ends in a negative result but through the process the reputation of the farm has suffered unrepairable damage. Where is the protection of private property rights and due process in this Bill?

This Bill removes all statutory provisions for compensation in the seizure and destruction of animals. Not only does the Bill grant broad powers to the State and no protection to the private property owner, but it eliminates any compensation when the actions are beyond the control of the owner. Where is the protection or defense from actions by the State when it results in a false alarm or inappropriate action by state officials? These actions will cause economic damage to the livestock owners and there needs to be a provision for compensation from the State for losses caused by State actions.

It is my understanding that the motive for enacting this legislation was driven by the worldwide fear of Avian Flu. I see nothing that address the problems of migratory waterfowl or a means of testing or eliminating the diseases that wildlife poses on private livestock. You are quick to pass laws to move against the private sector without including any protections to guard us against a threat that can fly in from a foreign country and devastate our economic enterprise. I assume it's easier to show that you're being pro-active against a small industry rather than challenge the management of the mighty Dept of Fish & Game.

Please return HB 380 to the House Resources committee for a proper hearing and public comment.

Signed:

Bill D. Ward

**HB**

**380**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
 MAY 02 2006  
 SENATE FINANCE COMMITTEE

DATE: 4/7/06

FURTHER:

DATE TURNED  
 IN TO OFFICE: 5/2/2006

Finance Committee considered CS FOR HOUSE BILL NO. 380(FIN)(title am)

## HB 380 ANIMALS & ANIMAL OR AGRICULTURAL PRODUCTS

"An Act relating to the powers and duties of the commissioner of environmental conservation regarding animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; relating to animal rabies prevention and control; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous S CS CS HB 380 (RES)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**CS Senate Bill:**  
 Same Title  
 New Title

**SCS House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Ind.	Zero	FN#
DEC	2/6/06			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>(Signature)</i>	✓			
<i>(Signature)</i>	✓		✓	
COCHAIR: <i>(Signature)</i>	✓			
COCHAIR: <i>(Signature)</i>				

# FISCAL NOTE

REPORTED OUT  
MAY 12 2006  
SENATE FINANCE COMMITTEE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 380(RES)  
(H) Publish Date: 2/8/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DEC  
Title: Animals and Agricultural Products RDU: Environmental Health  
Component: Laboratory Services  
Sponsor: Representative Kevin Meyer  
Requester: House Resources Committee Component No.: 2065

**Expenditures/Revenues (Thousands of Dollars)**

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

POSITIONS	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The bill will have no fiscal impact on DEC.

Prepared by: Kristin Ryan, Director Phone: (907) 269-7644  
Division: Environmental Health Date/Time: 2/6/06 8:43 AM  
Approved by: Kurt Fredriksson Date: 2/6/2006  
Agency: Commissioner

(Revised 15-7-2005 OMB)

COMMITTEE COPY

# REPRESENTATIVE KEVIN MEYER

---

HOUSE DISTRICT 30

## SPONSOR STATEMENT

HB 380

*"An Act relating to the powers and duties of the commissioner of environmental conservation; relating to animals, animal products, agricultural products, and the transportation of animals and animal products; relating to the employment, appointment, and duties of a state veterinarian by the commissioner of environmental conservation; relating to the powers of the commissioner of natural resources regarding agricultural products; and providing for an effective date."*

House Bill 380 repeals and reenacts several provisions of Title 3 to modernize the powers of the Commissioner of the Department of Environmental Conservation and the State Veterinarian. HB 380 will allow the State Veterinarian to respond accordingly and immediately to potential dangers to Alaskans and our animal populations. Avian influenza is one in a long list of zoonotic diseases that can be devastating to animals and potentially pandemic in human populations. While headlines predict millions of potential deaths from Avian Flu, other immediate issues arising in Alaska are difficult to deal with because of the convoluted authority of the State Veterinarian. The geographic position that makes Alaska a center of air cargo traffic and a critical strategic base for our military forces also puts Alaska at risk from diseases carried across the globe by migratory birds and marine mammals.

The most immediate threat to humans from a zoonotic disease comes from exposure to domestic animals. Yet, the statutes governing Alaska's State Veterinarian were passed prior to statehood in 1949 when the concern of the territorial legislature was on the state of fur farms and animals were considered livestock. Under existing authority, the State Veterinarian would be unable to respond to an outbreak of disease in a backyard bird flock because the birds would not necessarily be considered livestock. To date, all cases of Avian Flu infections in humans have come from exposure to personal bird flocks.

Many of the authorities in this legislation exist today but in a less organized fashion.

By eliminating outdated requirements such as reporting to the legislature on fur farming, and clarifying existing authorities, the State Veterinarian's responsibilities can be focused on what is most important to Alaska - ensuring animal diseases do not spread or harm humans. Through collaboration with the Departments of Health and Social Services, Fish and Game and Natural Resources, the State Veterinarian fills an essential role in this process but needs clearer authority to do so.

# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

January 24, 2006

TO: Representative Kevin Meyer

FR: Michael Pawlowski

RE: HB 380 *Animals & Animal or Agricultural Products*

---

House Bill 380 *Animals & Animal or Agricultural Products* repeals and reenacts several statutes relating to the powers of the commissioner of environmental conservation, the state veterinarian and the commissioner of natural resources regarding agricultural products. Below is an explanation of the expansions of authority added by, and a summary of the existing powers repealed and reenacted in, HB 380.

## Section 1: Powers of commissioner of environmental conservation

In repealing and reenacting AS 03.05.011, HB 380 broadens the scope of the original statute while preserving the overlapping authority that currently exists between DEC and DNR to monitor the health of animals in the state. The reenacted AS 03.05.011 includes the powers granted to DEC under the original AS 03.05.011, AS 03.05.020 (miscellaneous powers), 03.05.060 (spread of contagious diseases in livestock), 03.05.080 (controlling the exportation of animals), the power to adopt regulations under AS 44.62 (APA), the power to charge fees, and notice requirements for actions taken under AS 03.05.011.

By moving powers spread throughout statute to a blended AS 03.05.011, the statute can be modernized and the corresponding authorities repealed. Additionally, where some powers are conferred, other requirements in statute can be repealed. The power granted in the proposed AS 03.05.011 to regulate and prohibit the importation or transportation of animals with diseases is adequate enough to warrant the repeal of the requirement in AS 03.53.010 to obtain a health certificate for an animal traveling on the state ferry system.

The primary change however, in the reenacted section is the extension of DEC's authority to inspect, test, quarantine, or embargo from *livestock* to *all animals*. The world has changed significantly since the original statutes were passed in 1949 and the broadening of AS 03.05.011 reflects the reality that animals are no longer uniformly considered livestock.

The authority of DEC to cooperate with other governmental agencies is also expanded in the reenacted AS 03.05.011 (3) to include "municipal and other governmental agencies." In the original 03.05.011 the department was only authorized to cooperate with "federal and other state agencies." An outbreak of a zoonotic disease like avian influenza requires a rapid coordinated response by federal, state and local officials. An updated AS 03.05.011 allows the department to cooperate with all the interested parties to prepare for a potential emergency.

The reenacted AS 03.05.011 represents a consolidation of authorities into a single statute that reflects the complicated regulatory, inter and intra-governmental and virological environment the department of environmental conservation and the state veterinarian are confronted with.

## Section 2: State Veterinarian

Section 2 of HB 380 is a new section that replaces AS 03.25.010, 03.25.020 & 03.25.250, which are subsequently repealed in section 9. Chapter 25 of title 3 was written in 1949 and made the primary purpose of the state veterinarian the investigation of fur farms. The fur farm provisions have been removed from the proposed new AS 03.05.013. The removal of the antiquated provisions will make the statutes comport to the world the state veterinarian is confronted with. The new section makes the responsibility of the state veterinarian the requirements of the title over which the department has jurisdiction. The new section will also require the state veterinarian to be licensed to engage in the practice of veterinary medicine.

## Section 3 & Section 4: Inspection & Products in Violation

Section 3 makes conforming amendments to AS 03.05.040 (a) & 03.05.050 (a):

- Expanding the time during which, locations where and persons authorized to, inspect a place where animals, animal products and agricultural products are raised, housed, kept, stored, processed or sold.
- Expanding the definition of what may be inspected for to include animal and animal products in addition to agricultural products.

## Section 5: Penalty for Violation

Section 5 adds 5 new subsections to AS 03.05.090 specifying penalties for violations of the chapter and defining "knowingly" for purposes of the section.

## Section 6: Definitions

Excludes "animals, or animal product:" from the definition of agricultural products.

### Section 7: Definitions

Adds definitions of "animal" and "animal product" to the definitions section.

### Section 8: Fees for Services

Makes a conforming change to the products that the department of environmental conservation is allowed to charge fees to recover their direct costs for.

### Section 9: Repealing

Section 9 repeals:

AS 03.05.020	Incorporated in section 1.
AS 03.05.060	Incorporated in section 1.
AS 03.05.080	Incorporated in section 1.
AS 03.25.010	Incorporated in section 2.
AS 03.25.020	Incorporated in section 2.
AS 03.05.250	Incorporated in section 2.
AS 03.45.040	Incorporated in section 5.
AS 03.45.050	Incorporated in section 3.
AS 03.45.060	Incorporated in section 1.
AS 03.45.070	Incorporated in section 1.
AS 03.45.080	Incorporated in section 1.
AS 03.53.010	Incorporated in section 1.

### Section 10: Transitional Provisions

Transitional provisions allowing the department of environmental conservation and department of natural resources to adopt regulations needed to implement the changes in this Act.

Section 11: *Effective Date*

Immediate effective date for section 10.

Section 12: *Effective Date*

Provides an effective date of July 1, 2006 for sections 1-9

## **HB 380 Animals & Animal or Agricultural Products**

Department of Environmental Conservation supports HB 380

---

- **Updating pre-Statehood Statutes needed**

Veterinary responsibilities are limited, outdated and disorganized.

Current statutes make commercial fur farms the primary responsibility of the State Veterinarian. No commercial fur farms exist in Alaska.

- **Existing Statutes leave holes in Alaska's public health system**

75% of recently discovered human infectious diseases originated from animals. Adequate authorities must be in place so the State of Alaska can respond to animal related public health threats immediately.

The State only has the legal capacity to test, quarantine, or euthanize animals that are livestock. (Limited poultry related authorities exist but are only intended for commercial flocks). **Human illness associated with the current Avian influenza outbreak has been predominantly associated with back yard bird flocks.**

Current statutes limit State response to limited types of infectious diseases and certain animals. These authorities need to be broadened for public health purposes.

- **Collaboration is the most effective way to ensure adequate protection of Alaskan animals and public health.**

The State of Alaska does not need expanded surveillance at this time – just the authority to act.

Animal owners, private veterinarians and local authorities are the first responders, identifying problems and notifying authorities.

By working with local, state, and federal agencies, controls can be put in place to stop the spread of the disease among animals or humans. HB 380 provides a mechanism to do this.

- **Existing authorities to charge fines and issue permits is adequate. HB 380 organizes these powers more coherently.**

Even though fine authority has existed for 50 years, it has not been enacted to-date. Fines continue to be an effective tool if needed and therefore the statutory authority should remain. But, no budget authority is requested.

- **Other State agencies (DNR, DHHS, DOT/PF, DF&G) support HB 380.**

---

Director of Environmental Health, Kristin Ryan 907-269-7644 or 907-465-5066  
State Veterinarian, Dr. Bob Gerlach, 907-375-8214, Department of Environmental Conservation

## Darwin Peterson

---

From: Mike Pawlowski  
Sent: Friday, April 21, 2006 2:47 PM  
To: Darwin Peterson  
Subject: FW: HB380

-----Original Message-----

From: Jan Flora [mailto:snowshoe@xyz.net]  
Sent: Friday, April 21, 2006 2:44 PM  
To: Mike Pawlowski  
Subject: HB380

Dear Representative Meyer:

We support HB 380, the bill that would expand the authority of the state veterinarian.

I've spoken with Dr. Bob Gerlach, DVM, our state veterinarian, pretty extensively about this bill. We need this one, so Dr. Gerlach and future state vets can protect the health of "the state herd." (That means all of the livestock in the state, not just the critters in one particular herd.)

Many of the animal diseases coming down the pike these days are zoonotic. (Can be transmitted from animals to people.) So by protecting the state herd, Dr. Gerlach will be able to protect people, by finding these diseases before they ever get a chance to spread to people. (Avian flu is a really good case in point.)

Respectfully submitted,

Jan Flora  
Rainwater Ranch  
Homer, Alaska 99603  
(907) 235-6278

Kenai Peninsula Chapter of the Alaska Farm Bureau (secretary & director)  
Fox River Cattlemans Association