compounds were present during each phase of the cook. Air sampling methods for hydrochloric acid and iodine were the same as used during the previous cooks. However, sampling for phosphine was conducted using the OSHA 1003 method, which was thought to provide both a lower detection limit and more accurate analytical results than the previously used NMAM 6005 method.

Airborne methamphetamine samples were also taken in the area of the cook and on the nightstand across the room using a sampling cassette containing a sulfuric acid treated glass fiber filter. Samples were taken in both locations during the 'cooking' phase and during the 'filtering/salting out' phases of the cook.

Real time sampling using the Industrial Scientific Corporation's ITX instruments was conducted in five locations including the cook area, a nightstand across the room from the cook area, the bathroom, the hallway by the door to the room of the cook, and approximately 10 feet down the hallway from the room where the cook occurred.

Wipe samples for methamphetamine were collected using 3 methods. The first method used to collect methamphetamine from surfaces by wiping a 4"x4" area with a sterile gauze wipe. Prior to entering the lab, the wipes were individually placed into plastic centrifuge tubes. After entering the laboratory, wipes were removed from the centrifuge tubes, wetted with a small amount of isopropanol alcohol and the area wiped. Samples were then placed back into the centrifuge tube. In order to minimize cross contamination, separate pairs of gloves were used between sample locations.

The second type of methamphetamine sampling was conducted using the Cozart RapiScan (manufactured by Dominion Diagnostics) immunoassay instrument. Although originally designed for detecting methamphetamine in saliva samples, this instrument provides a semi-quantitative screening analysis for the presence of methamphetamine in the field. The sampling pad was wetted with deionized water until the colorimetric indicator turned blue (an indication that the wipe has become saturated). Sampling was conducted by wiping the pad on a 1"x1" area adjacent to surface samples collected in the methamphetamine lab. Samples were then placed in the buffer solution tube and placed in a plastic bag for analysis at a later time.

The third methamphetamine wipe method was conducted using specially treated sampling paper to wipe 4"x 4" areas of the surface (also adjacent to the other wipe locations) which were then analyzed with the Barringer Sabre 2000 Ion Mobility Scanner. This instrument provides semi-quantitative screening analysis for the presence of multiple drugs including methamphetamine, marijuana, cocaine, and opiates.

Chemical Results During Cooking Phase

The results of the chemical sampling conducted during the 'cooking' phase were as follows:

Location	Phosphine (mg/m^3)	Iodine (mg/m^3)	Hydrochloric Acid (mg/m^3)
Close – On Cook Table	ND	0.008	0.43
Far Wall in Cook Room	ND	0.007	0.22
Bathroom	ND	0.011	0.36
Hallway	ND	ND	0.01
Personal Sample on Cook	ND	0.029	0.07

These results indicate that the concentrations of phosphine, iodine, and hydrochloric acid were well below the current ACGIH TLV levels. The results are presented as a time-weighted average of the concentration of those chemicals during the cooking phase of the meth cook. The sampling period was approximately 160 minutes. These levels were lower than the levels found during the previous methamphetamine cooks. The cook was also closely monitored by the DEA Cooks and more water was added to the reaction. These factors may have resulted in lower exposures.

Salting/Filtering Phase Chemical Results

The results of the chemical sampling during the salting/filtering phase of the cook were as follows:

Location	Phosphine (mg/m^3)	Iodine (mg/m^3)	Hydrochloric Acid (mg/m^3)
Close – On cook Table	ND	.025	1.8
Far Wall in Cook Room	ND	0.021	1.5
Bathroom	ND	0.025	7.2
Hallway	ND	0.001	0.22
Personal Sample on Cook	ND	Pump Failed	0.32

These time-weighted-average results (192 minutes average sampling time) indicate that the concentrations of phosphine and iodine were well below the ACGIH TLV levels. Hydrochloric acid was, for the most part, slightly below the TLV levels in all locations except in the bathroom where it was more than two times the STEL Ceiling of 3 mg/m^3. This increase of concentration may be due to indoor currents moving air from the window towards the bathroom.

The peak levels of phosphine and hydrochloric acid as measured using the Industrial Scientific ITX real-time sampler occurred during the salting out phase of the cook. The following peak levels were found:

Location	Phosphine (ppm)	Hydrochloric Acid (ppm)
Close – On Cook Table	0.55	62.3
Far Wall in Cook Room	0.15	4.1
Bathroom	0.41	23.4
Table by Bathroom	0.38	38.0
Hallway	ND	0.4
Far Hallway Location	ND	0.2

These results indicate that phosphine concentrations can meet or exceed the ACGIH TLV of 0.3 ppm. Hydrochloric acid may also reach or significantly exceed the ACGIH Ceiling TLV of 2.0 ppm during the salting out phase of the cook. Additionally, the maximum concentration of hydrochloric acid can exceed the NIOSH IDLH (Immediately Dangerous to Life and Health) criteria of 50 ppm.

Figure 6: Hydrochloric acid fumes during the salting out phase of the cook

Methamphetamine Wipe Sample Results

Methamphetamine wipe samples were taken in 17 locations throughout the hotel room, the adjacent hallway, and in a separate room next door to the cook room. Samples were collected prior to conducting the meth cook, after the cooking phase, and again after filtering and salting out the methamphetamine. The following table summarizes the surface wipe sample results:

Location	Pre Cook (ug/100 cm^2)	Post Cook (ug/100 cm^2)	Post Salting Out (ug/100 cm^2)
60	0.12	0.05	130
61	0.15	0.1	ND
62	ND	ND	14.2
63	0.15	0.11	34.2
64	0.12	ND	30
65	0.13	0.07	31.6
66	0.17	0.09	50.7
67	ND	ND	41.5
68	ND	0.06	11.6
69	0.09	ND	120
70	1.36	0.27	7.97
71	ND	0.07	860
72	0.23	0.18	4.5
73	ND	0.11	180
74	ND	ND	16.6
75	ND	ND	16.2
76	ND	ND	1.94

These results indicate that methamphetamine was not present prior to the cook or, to any great extent, after the cooking phase. Significant amounts of methamphetamine were found after the salting-out phase of the cook in the room where the cook occurred – especially in the immediate area surrounding the cook.

Methamphetamine Wipe Sample Results Using Cozart Rapiscan and Sabre 2000 Instrumentation

Methamphetamine wipe samples were also taken using the Cozart and Sabre 2000 analyzers in most sampling locations in the meth lab, the adjacent hallway, and a wall opposite the cook in a separate room. We compared the results obtained from these instruments with those obtained using GC/MS analysis. The results were as follows:

Location	Post Cook GC/MS ug/100 cm^2	Post Cook Cozart Rapiscan Units	Post Cook Sabre 2000 (Bars)
60	130		6
61	ND	84	9
62	14	89	10
63	34		10
64	30	89	10
65	32		ND
66	51	85	7
67	42		6
68	12	88	7
69	120		ND
70	8	83	2
71	860	72	1
72	5	83	1
73	180	65	1
74	17		ND
75	16		ND
76	2	91	1

Blank data fields indicate that no sample was taken

These data show very little correlation between the three methods of measurement. Both the Cozart Rapiscan and the Sabre 2000 are direct reading instruments that are used primarily to determine the presence or absence of methamphetamine. There was not good agreement between the three methods which may be due to different concentrations at the exact location tested (each of the three methods were taken at different sites a few inches away from each other) or to inaccuracy problems with the direct –reading methods.

Methamphetamine Wipe Samples on PPE

In addition to sampling hard surfaces in the meth lab, we also sampled various locations on the personal protective equipment worn by DEA, law enforcement, and other personnel during each phase of the cook. The following table presents results of this testing:

Cooking Phase

Sample ID	Location	Result (ug/sample)
Person A	Upper torso (front)	ND
Person B	Upper torso (front)	ND
	Head	ND
Person C	Upper torso (front)	ND
	Head	ND
Person D	Upper torso (front)	ND
	Head	ND
Person E	Upper torso (front)	ND
	Head	ND
Person F	Upper torso (front)	ND
	Head	ND
Person G	Upper torso (front)	ND
	Head	ND
Person H	Hands	19.3
Person I	Hands	ND

Filtering Phase

Sample ID	Location	Result (ug/sample)
Person A	Upper torso (front)	43.6
	Hands	580
Person C	Upper torso (front)	16.7
Person D	Upper torso (front)	10.3
Person E	Upper torso (front)	6.43
Person I	Upper torso (front)	ND

Filtering Phase (After Decontamination)

Sample ID	Location	Result (ug/sample)
Person J	Upper torso (front)	10.2
	Hands	0.48
Person H	Upper torso (front)	0.81

Salting Out Phase

Sample ID	Location	Result (ug/sample)
Person A	Upper torso (front)	8.13
Person I	Upper torso (back)	4.91
	Arm (Post Decon)	ND
Person J	Upper torso (front)	14.5
	Upper torso (back)	2.54
Person K	Upper torso (front)	10.3
	Upper torso (back)	6
Person L	Upper torso (front)	9.01

These results suggest that methamphetamine is not aerosolized during the cooking phase of the process but becomes airborne during the filtering phase of the manufacturing process. Most of the samples taken after filtering were positive for methamphetamine. This may be due to the volatility of the methamphetamine in its base form. We also found that the wet decontamination procedure may move contamination onto the individual's body. Samples taken after the personnel were decontaminated revealed that levels of methamphetamine were still present on the personal protective equipment and on their hands.

Methamphetamine Results of Carpet Samples

Prior to the cook, a 20 foot long (2 foot wide) carpet was placed along the hallway from the meth lab door towards the exit of the building. After the meth cook, 4"x 4" carpet samples were cut from the carpeting and sent to Data Chem Laboratories for methamphetamine analysis. The amount of methamphetamine contained in the carpeting samples was as follows:

Distance from meth lab door	Result ($ug/100cm^2$)
0 feet	6.49
5 feet	12.4
10 feet	13
15 feet	3.93
20 feet	6.02

These results indicate that methamphetamine may be tracked out of the methamphetamine laboratory and down the hallway. This suggests that persons coming into a meth lab can spread methamphetamine contamination outside of the cooking area for a significant distance.

Airborne Methamphetamine Results

Four samples were taken to determine the amount of airborne methamphetamine released during the cook. These samples were taken at two locations in the hotel room. The results of this sampling effort were as follows:

Location	During Cook (ug/m^3)	Filtering/Salting (ug/m^3)
Close to cook	ND	5500
Far wall	ND	4200

These results indicate that the methamphetamine is not aerosolized during the cook itself but rather during the filtering and salting out phases. The amount of methamphetamine

reported is an average concentration for the period of 200 minutes during the last portion of the cook. It is possible that peak levels were substantially higher for specific periods during the cook.

Miscellaneous Clothing Sample Results for Methamphetamine

We also placed a stuffed bear approximately 12 inches from the cook area. After the cook was completed, the bear was sealed in a plastic bag and returned to the National Jewish laboratory. The pH of the bear was taken by pressing a piece of pH paper on the torso of the bear and then compared to the colorimetric chart. Results indicate that the bear had an extremely acid pH of 1.

Figure 2: A teddy bear was placed in the methamphetamine lab

Additionally, 100 cm^2 of the bear's front sweater and underlying 'fur' were removed and sent to Data Chem Laboratories for methamphetamine analysis. Results from the lab indicate that the sweater contained 3,100 ug/100cm^2 and the underlying fur had 2,100 ug/100cm^2 of methamphetamine. Children playing with such toys may be exposed to strong acids contained within the toy, causing severe burns to the skin and mucus membranes (such as the mouth or eyes), and also be exposed to significant concentrations of methamphetamine – particularly if the toy is placed in the mouth.

Questionnaire Results:

A total of 62 questionnaires were returned from participants in North Metro Task Force Training sessions. Forty-nine (79%) of the questionnaires were completed by law enforcement personnel, 8 (13%) by fire fighters, and the rest by public health, social services, and other groups. Fifty (81%) of the respondents were male and 19% were female. The average employee had worked in the current job description for 9.5 years and had been involved with an average of 11 clandestine laboratory investigations.

Sixty-six percent of the respondents had smelled odors they associated with the methamphetamine laboratory on at least one occasion, suggesting that there had been a potential for exposure at those laboratory investigations. Although a great number of personnel had smelled odors, only 26% of the respondents reported wearing respirators at laboratory investigations. Since not all of the respondents went into the laboratory areas,

it was expected that those that went into the laboratories would have a higher percentage of respirator users. Since 2 respondents did not say if they went into that actual laboratory areas, the total number of respondents for whom we have data was actually 60. Of those, 34 (57%) said that they entered the laboratory area and only 12 (35%) reported wearing respirators. Of the 26 (43%) individuals that stated that they did not enter the laboratory area, only 4 (15%) wore respirators.

Based on the information that we have regarding the possibility of becoming contaminated at a clandestine methamphetamine site, we might expect all individuals to be decontaminated at the site. Of the respondents that entered the laboratories, only 13 (38%) reported being decontaminated at the scene of the investigation. This would suggest that a number of individuals probably leave the site with some contamination.

Thirty-two (52%) of the 62 respondents reported at least one symptom associated with the investigation of clandestine methamphetamine laboratories. Thirty-eight percent (6) of the individuals wearing respirators reported at least one symptom and 59% (27) of the individuals not wearing respirators reported some symptoms. Of the 34 individuals that reported that they entered the laboratories, 20 (59%) reported at least one symptom. Eleven (42%) of the 26 individuals that reported that they did not enter the laboratory areas also reported at least one symptom. The primary symptoms were eye irritation, sore throat, cough, dizziness, and headache. These symptoms are suggestive of the irritational properties of the chemicals involved.

Project Discussion:

This project was conducted with the objective of answering the following questions:

- What are the primary chemical exposures of concern at clandestine drug laboratory seizures for both the responders and the children present at the laboratory site?

- During which phase of the emergency services intervention are the responders exposed to the most chemicals and what are the levels of chemicals to which they are exposed?

- How do the symptoms reported by the responders relate to the exposures measured at the site?

- How do the symptoms observed in children present at clandestine drug laboratories relate to the chemical exposures within the laboratory?

- Based on the potential exposures at clandestine drug laboratory seizures, what personal protective equipment should be worn and during what phases should it be worn?

- How do the symptoms observed in children present at clandestine drug laboratories relate to the chemical exposures within the laboratory?

- Based on the potential exposures at clandestine drug laboratory seizures, what personal protective equipment should be worn and during what phases should it be worn?

- Based upon the potential exposures at the laboratory sites, what components should the medical screening program for responding personnel contain?

Although not all of these questions have been completely answered by this report, we do have a significant start on answering many of the questions. We have obtained valuable information on the types and magnitude of chemical exposures associated with cooks involving the red phosphorous method of methamphetamine manufacturing. We have also begun to determine how widespread the contamination during these cooks can become and how it may effect the persons conducting the cook, bystanders (including children and spouses) in the same building, and law enforcement personnel responding to the clandestine laboratory. Based on the information that has been gained from this project, we can shed light on a number of areas such as chemical exposures, expected symptoms, suggested personal protective equipment, and concerns regarding children exposed to these environments.

Chemical Exposures Associated with Clandestine Methamphetamine Laboratories:

Based on our sampling results, the chemical exposures of greatest concern produced during the manufacture of methamphetamine (especially using the red phosphorous method) consist of phosphine, iodine, hydrogen chloride, solvents, and the drug or its precursors. During the cooking phase, exposure levels of all of these compounds may meet or exceed current occupational exposure guidelines. This is especially true of exposures to phosphine, iodine, and hydrogen chloride. Each of these compounds may exceed the occupational exposure guidelines as set by the Occupational Safety and Health Administration (OSHA) and by the American Conference of Governmental Industrial Hygienists (ACGIH).

Phosphine:

During our sampling efforts at the Colorado Springs Police Department and at our own controlled cook, phosphine was generated during the red phosphorous methamphetamine cooks. Phosphine was produced at levels ranging from less than 0.17 mg/m^3 to 4.84 mg/m^3 during the cooking phase of the process. It was produced on all occasions during the cook and not just during an overheating event, as has been suggested in the past. No detectable levels (<0.17 mg/m^3) of phosphine were produced during the hotel cook suggesting that phosphine may be contained by sealing the cooking vessel and providing more water in the cook. The current ACGIH TLV for phosphine is 0.42 mg/m^3 on an

eight-hour time weighted basis with a STEL of 1.4 mg/m^3. The highest level observed was four times the STEL, suggesting that overexposure to phosphine is highly likely.

Phosphine is a severe pulmonary irritant that may cause dyspnea, headache, paresthesia, diplopia, tremor, jaundice, and pulmonary edema. Death from exposure to phosphine has occurred to persons exposed as it was being used as an insecticide.[4] Fatalities thought to be due to phosphine exposure were also linked to a methamphetamine laboratory in Los Angeles, CA where three persons were found dead in a motel room.[5] A laboratory investigator was also reported by Burgess [6] to have developed dizziness, dry cough, headache, and diarrhea, with a delayed onset of cough and dyspnea, after investigating a clandestine laboratory. The exposure was measured at 2.7 ppm phosphine and the duration of exposure was approximately 20 – 30 minutes. These levels are in the same range as the levels measured during our investigation. In workers, phosphine exposure has been shown to cause gastrointestinal, respiratory, and central nervous symptoms at concentrations that are less than 10 ppm.[7]

There are a number of reasons why phosphine intoxication may be more common than reported. Phosphine does have a detectable odor but it may be less readily identified with the presence of the more odorous hydrocarbons present during the cook. In addition, the pulmonary toxicity of phosphine may occur shortly after exposure or it may be delayed for 18 hours or more. These factors may result in fewer reported symptoms, although pulmonary irritation is a common complaint after a clandestine laboratory investigation.

Children and adults that are especially susceptible to pulmonary problems, such as asthmatics, individuals with chronic obstructive pulmonary disease, emphysema, etc, may show significantly greater effects to exposure levels of phosphine that are well below the concentrations allowed in the occupational environment. Unfortunately, at this time, there are no published data regarding acceptable levels of exposure for the general population to phosphine. The effects to these sensitive individuals are, therefore, not known at this time.

Iodine:

Airborne iodine concentrations during the Colorado Springs Police Department cooks were found to be very high, ranging from 2.3 to 37 mg/m^3. The levels produced during the controlled cooks ranged from 0.07 mg/m^3 to 1.6 mg/m^3. These levels are close to or exceeding the current ACGIH Ceiling TLV of 1.0 mg/m^3. The release of iodine during the red phosphorous cook becomes very obvious when the dark brown effluent is observed. In addition, the walls in many of the cook areas appear to have a brownish yellow stain that is reactive with spray starch forming a dark blue color indicating the presence of iodine.

Airborne iodine is a very heavy halogen vapor that is considered to be more irritating and corrosive than bromine or chlorine gases. In animal studies, iodine vapor has been found to be intensely irritating to mucous membranes, causing damage in both the upper and lower portions of the respiratory tract. Iodine vapors can be an intense irritant to the

eyes, mucous membranes and skin. It has a steep effects curve in that concentrations of 1 mg/m^3 may cause very little effect while levels of 3 mg/m^3 cause severe irritation.[8]

Although there have been no documented cases of over-exposure to iodine vapor in clandestine methamphetamine laboratories reported in the literature, iodine would be a plausible cause of mucous membrane and eye irritation reported at many of these investigations. Iodine may persist for some time in the walls, carpeting, draperies, etc. present in many of these clandestine laboratories. The fact that it is commonly observed on the walls, even after months of no cooking, suggests that it can be very persistent.

The fact that the iodine is persistent in the environment of the cook is very important to the children that are present in the clandestine laboratories as well as children who inadvertently become residents in a building previously used as a methamphetamine laboratory. Children crawling on contaminated carpeting may pick up high levels of iodine. In addition, based on an evaluation by the Colorado Department of Public Health and Environment, the population-based exposure concentration should be less than 0.001 mg/m^3, three orders of magnitude below the occupational exposure level.[9]

Hydrogen Chloride:

Hydrogen chloride levels were measured during all methamphetamine cooks, including periods where hydrogen chloride was not expected. The levels ranged from less than detectable to a time-weighted average of 14.6 mg/m^3. Peak levels measured during the controlled cook ranged as high as 56.2 mg/m^3. The most recent change to the current ACGIH TLV for hydrogen chloride was proposed in 2003 and is a ceiling value of 3.0 mg/m^3, much lower than the levels that have been found during the controlled cooks that we have conducted. In fact, the Immediately Dangerous to Life and Health (IDLH) level for hydrogen chloride is 74.5 mg/m^3 which is being approached by the levels generated during the salting-out phase conducted during the controlled cooks.[10]

Exposure to high levels of hydrogen chloride have been known to cause both acute and chronic effects. One individual exposed during a swimming pool cleaning effort developed severe bronchospasm and asthma. Workers exposed to as little as 15 mg/m^3 of hydrogen chloride experienced work impairment. Hydrogen chloride is a strong irritant of the eyes, mucous membranes, and skin at levels that are well below the levels that we have measured during our controlled cooks. It would seem likely that individuals exposed to the measured concentrations that we have found would have acute symptoms from the exposure.[10]

Young persons and individuals with pulmonary problems may show much greater effects from a hydrogen chloride exposure than would an individual with an occupational exposure. The reference level proposed by the Colorado Department of Public Health and Environment for hydrogen chloride was set at 0.02 mg/m^3, a level that is one hundred times lower that the proposed ACGIH TLV.[9] It is important to realize that this level is likely exceeded during production at all clandestine methamphetamine laboratories.

Methamphetamine Exposures:

Methamphetamine contamination of buildings used to cook methamphetamine was a common finding in all of the labs tested. Even labs that had been busted several months prior to testing still had high contamination levels of methamphetamine present on many surfaces within the building. Samples as high as16,000 ug/sample were found with most samples over 25 ug/100 cm^2.

Although the effects of methamphetamine are well known on individuals using the drug, the effects of low level exposures to emergency personnel or other associated individuals are not as well known. It is known that methamphetamine may cause some teratogenic effects and may change behavior in exposed infants. Prenatal exposure to methamphetamine has been shown to cause an increase in pre-term labor, placental abruption, fetal distress, and postpartum hemorrhage. Infants exposed to methamphetamine are generally smaller, have feeding difficulties, and are described as "very slow". Infants born to mothers that have used methamphetamine during pregnancy may have abnormal sleep patterns, poor feeding, tremors, and hypertionia. In some reports, subtle neurological abnormalities have also been found.[11]

Currently, allowable levels for a residence that has been used as a clandestine laboratory to be re-occupied range from 0.1 ug/ft^2 to 5 ug/ft^2. Most states and local jurisdictions have adopted 0.5 ug/ft^2 or 0.5 ug/100 cm^2. These levels have been set primarily at the limit of detection for the compound since, at this time, no safe level has been established. Since the drug appears to settle out on all porous surfaces in the area in which the cook is conducted, it is difficult to determine the actual dose of individuals working within that atmosphere. It is logical to assume that hand contamination will result in oral ingestion, especially in the case of children, but it may also be possible for the drug to penetrate the skin of adults involved in the investigation. The State of California has recently begun to study the possibility of skin absorption and its role in methamphetamine exposure.

We have also found that police officers handling suspects or children at the scene, for very short periods of time, can become contaminated with methamphetamine. It is possible, therefore, for these individuals to carry this material off of the scene and to their own families. Since there has not been a no-effect level established for this drug at this time, it would seem prudent to minimize exposure to as low as possible.

Suggested Personal Protective Equipment Requirements:

Our study has shown that exposures to a variety of chemical compounds may occur during the investigation of clandestine methamphetamine laboratories. During a cook, the exposures at the lab may approach IDLH levels, which by definition may be extremely dangerous to the lives and health of investigating officers. Recent studies have shown that individuals responding to clandestine methamphetamine laboratory investigations have a good chance of being injured. Of 112 methamphetamine-associated hazardous materials events reported to the Centers for Disease Control, 53% resulted in

injuries with 155 persons injured. The primary symptoms were respiratory and eye irritation.

During our time responding with law enforcement officers we did not enter an active laboratory and we did not receive any substantive complaints regarding symptoms at any of these investigations. We did, however, hear complaints regarding metallic taste and odors at least two of these investigations. It should be realized, however, that all of the laboratories to which we responded had extremely low chemical exposure levels compared to the levels that we found during our controlled cook. In fact, our testing would suggest that anyone entering an active laboratory without adequate personal protection is likely to be overexposed to phosphine, hydrogen chloride, iodine, and methamphetamine.

Based on our testing, we would suggest that unless a suspected laboratory is assured to be inactive, that the minimum PPE should include total skin protection and the highest level of respiratory protection available. This would mean that all individuals entering a suspected laboratory should wear a positive pressure self-contained breathing apparatus over chemical resistant clothing with chemically resistant gloves and boots. This PPE should be worn in such a manner so as to protect all open skin areas, eyes, and other areas of the body.

If it is known that the laboratory is not in operation and has not been in operation in the recent past, then a lesser degree of respiratory protection may be used. We suggest a minimum of full-face air purifying respirators be used to protect against splash during the investigation. We would also suggest that the respirators be provided with canisters that are protective against acid gases, particulate, and hydrocarbons and that these canisters be discarded after each investigation. All individuals should wear Chemical resistant clothing since methamphetamine contamination in these laboratories is almost assured. Individuals not wearing chemically resistant clothing should be decontaminated after leaving the laboratory site. Investigators should also be cautioned not to open sealed bags due to the potential of phosphine release from a "death bag" used to collect the phosphine.

Based on our testing, law enforcement officers should assume that anything present within a suspected methamphetamine laboratory is contaminated with methamphetamine and possibly iodine and hydrogen chloride. Therefore, anything taken from the lab should be decontaminated, as should anyone who has entered the laboratory, including law enforcement officers. Special care and consideration should be taken for proper handling of documents or evidence removed. Training should be provided to assure that officers are aware of the possibilities of contamination, the potential health effects, and the potential to carry exposures out of the laboratory and back to their own families.

Questionnaire Discussion:

The results of the questionnaires handed out at the training sessions were of interest. With only 26% of the individuals involved with clandestine methamphetamine

laboratories wearing respirators, there is a great concern that personnel may not be protected adequately. Many of the respondents were at their first training class and subsequent use of respiratory protection after the class may have been much greater. It is still a concern, however, that many individuals do not wear respiratory protection during these investigations. As our data have shown, exposure to chemicals that may cause severe irritation to mucous membranes are likely at these sites. This is especially true for those individuals actually going into the laboratory area. Since only 35% of the individuals reporting that they entered the laboratory area wore respirators, it is not a surprise that so many individuals reported some symptoms.
Similar studies have suggested that 56% of the individuals involved in clandestine methamphetamine laboratory investigations report symptoms from at least one laboratory. Our data suggests that a similar number (52%) of Colorado emergency services personnel also report symptoms associated with these investigations. The use of a respirator seems to reduce this percentage to a degree, but even 38% of the respirator users reported some symptoms. Some of these individuals indicated that the symptoms were experienced when they did not wear respirators but more attention needs to be put upon the use of adequate PPE when responding to these incidents.

Another concern is the number of individuals that report that they enter the laboratory area but are not decontaminated at the scene. Only 38% of the individuals that reported that they entered the laboratory area were decontaminated. Since our data shows that most individuals entering the laboratory area become contaminated, it is likely that methamphetamine contamination makes it out of the laboratory and into personal vehicles, homes, etc. This may result in a widening circle of contamination.

Study Conclusions:

This study was designed to identify and measure potential chemical exposures associated with the investigation of clandestine methamphetamine laboratories. During the study we conducted several tests in laboratory hoods at the Colorado Springs Police Department, sampled 16 suspected drug lab locations, and conducted controlled cooks in a home and a hotel under realistic cook conditions. Based on our findings, we make the following conclusions:

- Based on our questionnaire, over 50% of the officers involved in the investigation of clandestine methamphetamine laboratories have experienced symptoms involved with those investigations. Chemical irritation is the cause of most of the reported symptoms, which seem to decline after the exposure.

- If an actual methamphetamine cook is being conducted and the red phosphorous method is being used, then exposure to levels of phosphine, hydrogen chloride and iodine that exceed current occupational levels are likely.

- If the cook is in process and the salting-out phase is being conducted, hydrogen chloride levels within the area may approach IDLH levels.

- Regardless of whether a cook is being conducted at the time of entry, it is likely that most items and individuals that were in the vicinity of the cook are highly contaminated with methamphetamine.

- If a methamphetamine cook has been conducted within a building, chemicals from the cook will have spread not only in the specific area of the cook but throughout the building. This is especially true of iodine, hydrogen chloride and methamphetamine.

- If a methamphetamine cook has been conducted within a building, all children within that building are likely to have been exposed to methamphetamine and other chemicals and therefore should be considered as exposed and contaminated.

- If any law enforcement or emergency services personnel are to be entering a building suspected of being a clandestine methamphetamine laboratory, they should enter only with self-contained breathing apparatus and complete skin protection unless it is known that the lab has not been in recent operation and that all of the chemicals are under control. In the opinion of the authors, it is not likely that these conditions will be known prior to entry in most cases. We therefore suggest that all initial entries be made with the PPE previously mentioned.

- After the suspected laboratory is known to be out of operation and the chemicals are in a stable condition, then investigators could reduce the respiratory protection portion of the PPE to a full-face air purifying respirator with organic vapor, acid gas, and P100 combination cartridges.

- Based on our questionnaire, the use of adequate respiratory protection by personnel entering the laboratory sites is not as high as it should be. Further training is necessary to assure the use of adequate PPE with the hope that the reported symptom rate will decline.

- Currently, a low percentage of the personnel involved in clandestine laboratory investigations is decontaminated on site. This is likely to result in methamphetamine contamination spreading outside of the laboratory area and exposing co-workers and family members.

- All law enforcement officers and emergency services personnel should be made aware of the high potential for exposure to methamphetamine contamination and trained in methods to reduce the "take home" levels of methamphetamine. Testing at the scene on a periodic basis should be used to verify that personnel are not being contaminated on-scene.

- Decontamination of all items taken out of the suspected laboratory should be conducted. Efforts should be made to reduce contamination transfer outside of the laboratory and periodic testing should be conducted to assure that personnel and items are being adequately decontaminated. The most likely compound of concern is the methamphetamine, but iodine and other chemicals may also be transferred.

Study Limitations:

This study was conducted primarily under uncontrolled conditions in the field, frequently while wearing PPE under potentially dangerous conditions. Under these conditions, sampling can be difficult, equipment can malfunction, and exposures can change. The sampling that we conducted at the suspected clandestine methamphetamine laboratories indicated relatively low exposure conditions but these conditions may not always be present. Exposures at any investigation will likely depend upon laboratory activity, building ventilation, manufacturing methodology used, equipment utilized, and amounts and types of precursors utilized.

The sampling results obtained at the Colorado Springs Police Department are expected to represent high exposures but some manufacturing methodologies combined with a closed-in space may result in significantly higher exposures in some cases. The results obtained at the controlled cooks are expected to be similar to "normal" exposures at a "typical" clandestine methamphetamine laboratory but, in fact, there may not be a "normal" or "typical" laboratory since many manufacturers may use significantly higher amounts of precursors in areas with very low ventilation rates. Readers should understand that exposure concentrations under actual conditions may be lower but they may also be much higher.

Although our best methodology and laboratory analysis techniques were utilized during this study, some of the results may have been less accurate than we had hoped. The results of the phosphine sampling were plagued with high phosphine levels on the control samples suggesting that the analysis results were not accurate. In addition, real-time instruments, such as those used for phosphine and hydrogen chloride in the controlled cook may also give results that are less accurate than are laboratory methods.

References

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7. Jones, A.T., Jones, R.C., Longley, E.O. 1964. Environmental and Clinicalo Aspects of Bulk Wheat Fumigation with Aluminum Phosphide. Am. Ind. Hyg. Assoc. J. 25: 375 – 379.

8. ACGIH. 2001. Documentation of the ACGIH TLV's – Iodine. American Conference of Governmental Hygienists. Cincinnati, OH.

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11. Washington Department of Health. 2000. Review of Contamination Levels: Guidelines for Clandestine Drug Lab Cleanup. State of Washington.

SB 70

Traci Carpenter

From: Randy Ruaro [Randy_Ruaro@law.state.ak.us]
Sent: Tuesday, April 12, 2005 8:36 AM
To: Traci Carpenter
Subject: Fwd: Re: Question from Sen. Green

Traci:

Here is the forwarded e-mail. Let me know if there are any remaining questions and when the bill might come back up. Thanks

Randy

>>> Chris Kennedy 4/8/2005 3:19:39 PM >>>
No problem.

There is nothing confidential about these listings--in fact, the statute requires that the premises be posted on the front door. As a practical matter, if DEC received a call like that they would probably suggest that the agent look at the DEC website, where all pending (i.e.,
not yet cleaned up) sites are identified. Here is the website:
http://www.state.ak.us/dec/spar/perp/methlab/methlab_listing.htm
Sites that used to be contaminated but are now cleaned up are recorded in DEC files, which are accessible through a public records request.

Legally, DEC would not be required to respond to a telephone question from a real estate agent. However, through a written public records request a real estate agent could, in effect, make disclosure about a property mandatory for the agency.

Does this answer the question?
Chris

>>> Randy Ruaro <Randy_Ruaro@law.state.ak.us> 4/8/2005 2:48:55 PM >>>

Chris:

Could you look into this question from Senator Green for me. The question is, could a real estate agent call DEC with a property description and ask DEC to disclose whether or not DEC's records showed this property had been declared "an illegal drug manufacturing site"
by
law enforcement under AS 46.03.500?

I could not find any statutes making such information confidential or exempt from a public records request.

Randy

Prevention & Emergency Response

Former Methamphetamine Manufacturing Sites

State law [AS 46.03.550(b)] requires the Department of Environmental Conservation to maintain a list of the properties that have been identified as methamphetamine manufacturing sites by Alaska law enforcement agencies. The properties listed below are former illegal drug manufacturing sites which have not been certified as "fit-for-use" in accordance with 18 AAC 79. Properties are removed from this list when the owner has certified that the property is fit for use.

NOTE: To reorder this table, click on the column heading you want to sort by. The arrow that appears will indicate sort order (ascending or descending).

List Date	Property Address	City	Legal Description	Area
03/08/2005	Aspen Hotel, Rm 256, 4580 Old Airport Road	Fairbanks	Lot 2A-1 (Replat of lots 1 & 2), FUEG S/D	NART
03/11/2005	430 Pt. Bagial Drive	Craig	Lot 4D, US Survey 2611, Tract 4	SART
03/11/2005	18373 Old Glen Highway #1	Chugiak	pending	CART
03/31/2005	109 Tanner Crab Court	Craig	Lot 5, Block 3 Crab Cove Heights Subdivision, Plat 94-14, Ktn. Recording Dist.	SART

Sec. 46.03.500. Notice of illegal drug manufacturing site. [See contingent effective date note that follows article heading]..

(a) When a law enforcement officer or team of law enforcement officers, qualified under federal regulations to investigate and dismantle illegal drug manufacturing sites, determines that a site constitutes an illegal drug manufacturing site, the primary law enforcement agency that conducted the investigation shall notify the owner of the property, the occupants and users of the property, and the department that the determination has been made. The owner of the property may appeal the determination to the superior court for review of whether the determination was made in compliance with this subsection. In the appeal, the burden of proving by a preponderance of the evidence that the determination was made in compliance with this subsection is on the primary law enforcement agency that conducted the investigation.

(b) The notice to the property owner required under (a) of this section shall be given in a manner that is consistent with the Alaska Rules of Civil Procedure for the service of process in a civil action in this state and must include the following information:

(1) the parcel identification number and legal description of the property where the site is located;

(2) a statement of the determination made by the primary law enforcement agency that the site was an illegal drug manufacturing site and the findings that formed the basis for the determination;

(3) a citation to, and short summary of, AS 46.03.510 , which restricts transfer and occupancy of the site until it is determined to be fit for use; and

(4) the following information, which shall be provided to the primary law enforcement agency by the department:

(A) a copy of the standards contained in regulations adopted under AS 46.03.530 that determine whether the property is fit for use;

(B) a copy of the sampling and testing procedures established under AS 46.03.520 (b) and a copy of the list of laboratories maintained under AS 46.03.520 (c) that must be used for determining whether the property is fit for use; and

(C) a copy of the guidelines for decontamination established by the department under AS 46.03.540 (b).

(c) The notice to the department required under (a) of this section must include

(1) the parcel identification number and legal description of the property where the site is located;

(2) a statement of the determination made by the primary law enforcement agency that the site was an illegal drug manufacturing site and the findings that formed the basis for the determination; and

(3) the name and mailing address of the person who owns the property where the site is located.

(d) The notice required under (a) of this section for the occupants and users of the property shall be accomplished by immediate posting of the property with a notice that includes the location of the property, the information described in (b)(2) and (3) of this section, and a statement that the property may pose a substantial risk of physical harm to persons who occupy or use the property. For purposes of posting of the notice to the occupants and users of the property required by this subsection, the posting shall be made, for property that is

(1) a single family dwelling, at the main entryway of the property; and

(2) other than a single family dwelling and for a hotel, motel, public inn, or similar place of public accommodation that provides lodging, at the door of the unit that is the site that constitutes the illegal drug manufacturing site.

(e) If a person other than the owner, such as a property manager or rental agency, is authorized to let others use or occupy property for which an owner has received a notice under (a) of this section or is authorized to transfer, sell, lease, or rent the property to others, the owner of the property shall communicate the substance of the notice to that person within four days after receiving the notice.

Sec. 46.03.510. Restrictions on property. [See contingent effective date note that follows article heading]..

(a) Until determined to be fit for use under AS 46.03.550 , the property for which a notice has been issued under AS 46.03.500 (a) may not be transferred, sold, leased, or rented to another person except as provided in (b) of this section, and a person may not use or occupy the property at any time after the fourth day following the day on which the property was posted with the notice required under AS 46.03.500 (d), except as necessary for sampling, testing, or decontamination under AS 46.03.520 and 46.03.540. An oral or written contract that would transfer, sell, lease, rent, or otherwise allow the use of the property in violation of this subsection is voidable between the parties at the option of the purchaser, transferee, user, lessee, or renter. However, this subsection does not

(1) make voidable a promissory note or other evidence of indebtedness or a mortgage, trust deed, or other security interest securing the promissory note or evidence of indebtedness, if the note or evidence of indebtedness, mortgage, trust deed, or other security interest was given to a person other than the person transferring, selling, using, leasing, or renting the property to induce the person to finance the transfer, sale, use, leasing, or rental of the property;

(2) make voidable a lease or rental agreement between the property owner and the person who caused the property to be contaminated and determined unfit for use; or

(3) impair obligations or duties required to be performed on termination of a contract, as required by the contract, such as payment of damages or return of refundable deposits.

(b) Notwithstanding (a) of this section, property covered by (a) of this section may be transferred or sold if full written disclosure is made to the prospective transferee or purchaser that the property has been determined to be an illegal drug manufacturing site and the property has not been determined to be fit for use. The disclosure shall be attached to the earnest money receipt, if any, and shall accompany the transfer or sale document. The disclosure is not considered to be part of the transfer or sale document, however, and may not be recorded. The property shall continue to be subject to the restrictions in (a) of this section after transfer or sale under this subsection.

(c) A person who knowingly transfers, sells, leases, or rents property to another, knowingly allows another to use or occupy property, or, being the owner of property, knowingly occupies or uses the property in violation of this section is guilty of a class A misdemeanor. In this subsection, "knowingly" has the meaning given in AS 11.81.900 (a).

(d) It is an affirmative defense to a prosecution under (c) of this section for allowing another to use or occupy the property that the defendant or an agent of the defendant, within four days after receiving a notice under AS 46.03.500 , filed an appropriate civil action to remove the user or occupier from the property for which the notice was received.

Sec. 46.03.520. Sampling and testing procedures. [See contingent effective date note that follows article heading]..

(a) If the owner of the property for which notice was received under AS 46.03.500 (b) desires to determine if the property is fit for use, the owner shall cause the site to be sampled and tested for the substances covered in regulations adopted under AS 46.03.530 , using the procedures and laboratory services specified under (b) and (c) of this section. The property owner shall inform the laboratory used for sampling or testing under this subsection that the sampling and testing are related to property that has been determined to be an illegal drug manufacturing site.

(b) The department shall establish procedures for sampling and testing property that may have been an illegal drug manufacturing site.

(c) The department shall establish and maintain a list of laboratories in the state that have notified the department that they have the capacity to perform the sampling and testing procedures and that they wish to be on the list maintained under this subsection. A laboratory may not be included on the list unless the laboratory agrees to send the department a copy of test results related to properties whose owners have informed the laboratory that the test results are for property that has been determined to be an illegal drug manufacturing site.

Sec. 46.03.530. Standards for determining fitness. [See contingent effective date note that follows article heading]..

(a) Property for which a notice was received under AS 46.03.500 (b) is not fit for use if sampling and testing of the property under AS 46.03.520 shows the presence of substances for which the department has set a limit under (b) of this section.

(b) The Department of Public Safety shall annually submit a list of substances to the Department of Environmental Conservation. The department shall adopt regulations that set the limit for each substance specified by the Department of Public Safety for purposes of determining whether the property for which a notice was received under AS 46.03.500 is fit for use. The department may also determine whether there are other substances associated with illegal drug manufacturing sites that may pose a substantial risk of harm to persons who occupy or use the site or to public health and may adopt regulations that set limits for those substances for the purposes of determining whether the property for which notice was received under AS 46.03.500 is fit for use.

Sec. 46.03.540. Decontamination requirements. [See contingent effective date note that follows article heading]..

(a) If the owner desires to decontaminate the property for which a notice has been issued under AS 46.03.500 , the owner shall follow the guidelines established by the department under (b) of this section.

(b) The department shall establish guidelines for decontamination of sites that are determined to be unfit for use under AS 46.03.530 . The department shall provide a copy of the guidelines to any person who requests a copy.

Sec. 46.03.550. Fitness for use. [See contingent effective date note that follows article heading]..

(a) Property for which a notice has been issued under AS 46.03.500 shall be determined by the department to be fit for use if the owner certifies to the department under penalty of unsworn falsification that

(1) based on sampling and testing procedures established by the department under AS 46.03.520 (b) and performed by laboratories that are on the list maintained by the department under AS 46.03.520 (c), the limits on substances specified in regulations adopted under AS 46.03.530 are not exceeded on the property;

(2) if the property was ever sampled and tested under AS 46.03.520 and the test results showed the property to be unfit for use under AS 46.03.530, decontamination procedures were performed in accordance with the guidelines established under AS 46.03.540 (b) and the requirements of (1) of this subsection have been met; or

(3) a court has held that the determination that the property was an illegal drug manufacturing site was not made in compliance with AS 46.03.500(a).

(b) The department shall maintain a list of properties for which the department has received notice under AS 46.03.500 (c). When the department determines under (a) of this section that a property on the list is fit for use, the department shall remove the property from the list and notify the owner of the property that the property is fit for use. On request, the department shall give a copy of the list maintained under this section to any person who requests the list.

Sec. 46.03.550. Fitness for use. [See contingent effective date note that follows article heading]..

(a) Property for which a notice has been issued under AS 46.03.500 shall be determined by the department to be fit for use if the owner certifies to the department under penalty of unsworn falsification that

(1) based on sampling and testing procedures established by the department under AS 46.03.520 (b) and performed by laboratories that are on the list maintained by the department under AS 46.03.520 (c), the limits on substances specified in regulations adopted under AS 46.03.530 are not exceeded on the property;

(2) if the property was ever sampled and tested under AS 46.03.520 and the test results showed the property to be unfit for use under AS 46.03.530, decontamination procedures were performed in accordance with the guidelines established under AS 46.03.540 (b) and the requirements of (1) of this subsection have been met; or

(3) a court has held that the determination that the property was an illegal drug manufacturing site was not made in compliance with AS 46.03.500(a).

(b) The department shall maintain a list of properties for which the department has received notice under AS 46.03.500 (c). When the department determines under (a) of this section that a property on the list is fit for use, the department shall remove the property from the list and notify the owner of the property that the property is fit for use. On request, the department shall give a copy of the list maintained under this section to any person who requests the list.

Sec. 46.03.560. Securing the property. [See contingent effective date note that follows article heading]..

The owner of property for which a notice was received under AS 46.03.500(b) shall ensure that the property is vacated and secured against use

(1) within four days after receiving the notice if the owner does not test the property under AS 46.03.520 within four days after receiving the notice; or

(2) within four days after receiving the test results if the owner tests the property within four days after receiving the notice, the test shows the presence of a substance that exceeds the limits set in regulations adopted under AS 46.03.530 , and the owner does not begin decontamination procedures under AS 46.03.540 within four days after receiving the test results.

Sec. 46.03.570. Duties of the department; regulations. [See contingent effective date note that follows article heading]..

The department shall adopt regulations implementing AS 46.03.500 - 46.03.599.

Sec. 46.03.599. Definitions. [See contingent effective date note that follows article heading]..

In AS 46.03.500 - 46.03.599,

(1) "illegal drug manufacturing site" means property on which there is reasonable cause to suspect contamination with chemicals associated with the manufacturing of a controlled substance and where

(A) activity involving the unauthorized manufacture of a controlled substance listed on schedule I or II in AS 11.71 or a precursor chemical or necessary chemical for the substances has occurred; or

(B) there are kept, stored, or located any of the devices, equipment, things, or substances used for the unauthorized

manufacture of a controlled substance listed on schedule I or II in AS 11.71;

(2) "site" means an illegal drug manufacturing site.

Article 09. PROHIBITED ACTS AND PENALTIES

Sec. 46.03.710. Pollution prohibited.

A person may not pollute or add to the pollution of the air, land, subsurface land, or water of the state.

Sec. 46.03.715. Sale and use of TBT-based antifouling paint.

(a) Except as otherwise provided in this section, a person may not sell or use TBT-based marine antifouling paint or coating in the state, nor may a person sell, rent, or lease in the state, or import into the state, or use in state water, a vessel, fishing gear, or other item intended to be partially or completely submerged in water, if the vessel, gear, or item has been painted or treated with TBT-based marine antifouling paint or coating.

(b) TBT-based marine antifouling paint or coating need not be removed from fishing gear, or from a vessel or other item that was painted or treated before December 1, 1987, but the vessel, gear, or item may not be repainted or retreated with TBT-based marine antifouling paint or coating. Fish culture or capture nets treated with TBT-based marine antifouling coating before December 1, 1987, may not be used in state water on or after December 1, 1992.

(c) Notwithstanding other provisions of this section, slow-leaching TBT-based marine antifouling paint may be imported into and sold in the state. A slow-leaching TBT-based marine antifouling paint may be applied in the state only to aluminum vessel hulls and lower outboard drive units. Aluminum vessel hulls and lower outboard drive units to which a slow-leaching TBT-based marine antifouling paint has been applied may be imported into and sold, rented, leased, or used in the state.

(d) If a vessel of the United States government, a foreign vessel in state water fewer than 90 consecutive days, or a vessel of 4,000 gross tons or more was painted or treated with a TBT-based marine antifouling paint or coating before January 1, 2001, the paint or coating need not be removed, but the vessel may not be repainted or retreated with a TBT-based marine antifouling paint or coating.

(e) In this section

(1) "slow-leaching TBT-based marine antifouling paint" means a TBT-based marine antifouling paint, but not a coating or other treatment, that has a measured release rate equal to or less than the maximum release rate established for qualified antifouling paints containing organotin by the U.S. Environmental Protection Agency under 33 U.S.C. 2401 - 2410 (the Organotin Antifouling Paint Control Act of 1988);

(2) "TBT-based marine antifouling paint or coating" means a paint, coating, or treatment that contains tributyltin, or a triorganotin compound used as a substitute for tributyltin, and that is intended to control fouling organisms in a fresh water or marine environment;

(3) "vessel" means watercraft used or capable of being used as a means of transportation on water, including

(A) aircraft equipped to land on water; and

(B) barges.

Sec. 46.03.720. Public water system plan review requirement.

(a) *[Repealed, Sec. 12 ch 136 SLA 2004].*

SB70

FRANK H. MURKOWSKI
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January 20, 2005

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that would make it manslaughter for a person to manufacture or deliver a controlled substance in violation of Alaska's drug laws if a person dies from ingesting the substance. The bill also would make it a class C felony to manufacture or attempt to manufacture methamphetamine in building where one or more children reside. It also would raise the penalty for possessing methamphetamine in solution with intent to extract methamphetamine salts from it.

In *Whitesides v. State,* 88 P. 3d 147 (Alaska App. 2004), the court held that the sentence for a person convicted of selling a controlled substance to another, when the other person dies as a result of ingesting the illegal substance, should not be enhanced by the occurrence of death. The court found that death caused by the controlled substance is not an aggravating factor under current law. This bill would provide that if a person manufactures or delivers a controlled substance that causes death, the person may be prosecuted for manslaughter.

According to the Alaska State Troopers Bureau of Alcohol and Drug Enforcement, the manufacture and distribution of methamphetamine in Alaska has reached alarming proportions. In 2003, a total of 66 clandestine labs were discovered in Alaska. Manufacturing methamphetamine is very dangerous and involves the use of ignitable, reactive, and toxic chemicals at the sites, which can result in explosions, fires, and toxic fumes. Children are particularly susceptible to the harmful effects of the chemicals used in the manufacture of methamphetamine.

COMMITTEE COPY

This bill would make it a class C felony to manufacture or attempt to manufacture methamphetamine in a building with reckless disregard that the building is a dwelling for one or more children. This prohibition would apply to apartment units and other rooms or offices that are a part of the building.

An offender who manufactures methamphetamine may possess the methamphetamine in an organic solution and extract from the solution powdered methamphetamine for distribution. This extraction may occur several times from the same solution. Under current law, possession of methamphetamine is misconduct involving a controlled substance in the fourth degree, a class C felony. This bill would increase the penalty for possession of methamphetamine in organic solution with the intent to extract powdered methamphetamine to the same level as that for possession of a precursor with the intent to manufacture methamphetamine, a class A felony. The extraction from methamphetamine in solution of the powdered form that it is commonly ingested is as dangerous as possession of a precursor to methamphetamine with the intent to manufacture methamphetamine. It should have the same penalty.

Increasing the consequences for dangerous behavior with controlled substances will provide a potent tool to discourage the sale and abuse of dangerous drugs such as methamphetamine.

I urge your prompt and favorable consideration of this proposal.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

SENATE COMMITTEE REPORT

DATE: 2/28/05

FURTHER: (Finance)

DATE TURNED IN TO OFFICE: 3/23/05

Judiciary Committee considered SENATE BILL NO. 70

SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES

"An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date."

and recommends:

[✓] be **replaced** with _____ **CS** SB 70 (JUD)

[ ] adopt **previous** _____ **CS** _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[ ] Same Title
[✓] New Title

House Bill:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	1/20/05			✓	1
Admin	1/20/05			✓	2
LAW	12/22/04			✓	3
COR	2/15/05		✓		4

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
French			X	
Theriault	✓			
Guess			✓	
Huggins	✓			
Seelins CHAIR:	✓			

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/05

FURTHER: (Judiciary)

Date of 5-Day Notice: 2/17/05
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2.28.05

Health, Education and Social Services Committee considered

SENATE BILL NO. 70

SB 70 CRIMES INVOLVING CONTROLLED SUBSTANCES

"An Act relating to controlled substances regarding the crimes of manslaughter, endangering the welfare of a child, and misconduct involving a controlled substance; and providing for an effective date."

and recommends:

[X] be **replaced** with _____ CS SB 70 (HES)

[ ] adopt **previous** _____ CS _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[ ] Same Title
[X] New Title

House Bill:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
COR	2/15		X		4

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	1/20			X	1
ADM	1/20			X	2
LAW	12/22			X	3

[ ] **APPROPRIATION - no fiscal note**

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Stephen D. Greer			✓	
[illegible]			✓	
CHAIR: Fred Dyer	✓			

SB

71

SFIN

FILE

SB 71

was referred to the Senate Finance Committee

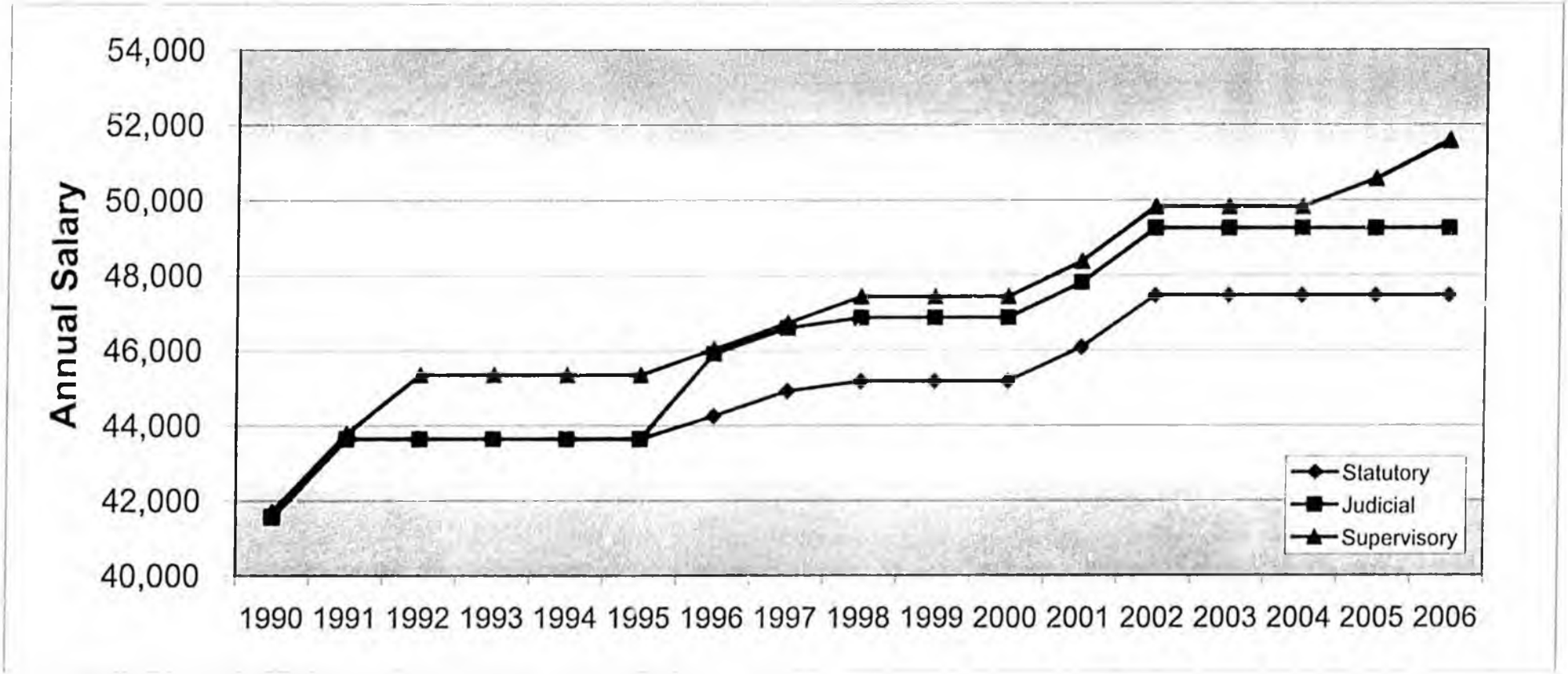
Hearing(s) were held

The bill did not move from Committee

Comparison of Statutory, Judicial and Supervisory Salary Schedules

Year	Statutory	Judicial	Supervisory
1990	41,568	41,568	41,688
1991	43,644	43,644	43,776
1992	43,644	43,644	45,348
1993	43,644	43,644	45,348
1994	43,644	43,644	45,348
1995	43,644	43,644	45,348
1996	44,256	45,912	46,032
1997	44,916	46,596	46,728
1998	45,180	46,872	47,424
1999	45,180	46,872	47,424
2000	45,180	46,872	47,424
2001	46,080	47,808	48,372
2002	47,460	49,248	49,824
2003	47,460	49,248	49,824
2004	47,460	49,248	49,824
2005	47,460	49,248	50,568
2006	47,460	49,248	51,576

Annual salary based on Range 18C with no geographic differential
Comparable to Attorney I, Accountant III and Revenue Auditor III



Source: AKPAY
x:Projects/Historical Wage Negotiations/BU vs Noncovered Wage Increases since 1990-Leg-050126
Prepared by C. Preecs, Human Resource Specialist, Division of Personnel

SB 71
Provided by C. Christensen & M. Tibbles

Historical Negotiated Wage Increase Summary

% CPI Change	Year	CPI-U	Wage Increases for Noncovered (XE & PX)	Wage Increases for XJ	Negotiated Wage Incr GGU 2&3	Negotiated Wage Incr GGU 1	Negotiated Wage Incr SU	Negotiated Wage Incr LTC	Negotiated Wage Incr CEA	Negotiated Wage Incr PSEA	Negotiated Wage Incr TEAME	Negotiated Wage Incr AVTECTA	Negotiated Wage Incr ACSEA
6.2%	1990	118.6	3.30	3.30	3.30	4.25	3.3,4.03	3 3.4.6	3.30	3.30	1.70		
4.6%	1991	124	5.00	5.00	5.00	5.00	5.00	4.5,3.2	5.00	5.00	5.00		
3.4%	1992	128.2			3.60	3.60	3.60	3.60	3.60	3.60	3.60		
3.1%	1993	132.2											
2.1%	1994	135			0.00	-					1.60		
2.9%	1995	138.9			0.00	-			2.50		2.00		1.40
2.7%	1996	142.7	1.40	5.20	1.40	1.40	1.40	1.40	0.00	1.50	3.00		
1.5%	1997	144.8	1.50	1.50	0.75	0.75	0.75	0.75	1.50	1.50		0.75	
1.5%	1998	146.9	0.60	0.60	0.75	0.75	0.75	0.75	0.00	1.50			
1.0%	1999	148.4			0.00	-							
1.7%	2000	150.9	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump	1200 Lump
3%	2001	155.2	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00
2%	2002	158.2	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
3%	2003	162.5											
3%	2004	166.7											
	2005				1.50	1.50	1.50	2.00	2.00	3.00	1.00	?	
	2006				2.00	2.00	2.00	2.00	2.00	3.00	2.00	?	

Annual Salary at Range 16C by Designated Salary Schedule

Salary Schedules	Annual Salary 16 C	Annual Salary 16C (effective 2006)
Supervisory	43,296	44,820
Confidential	42,888	44,616
Judicial	42,744	42,744
General Govt	42,468	43,968
Post Secondary	41,376	41,376
Statutory	41,184	41,184

This list of Salary Schedules does not include, Labor, Trades and Crafts, Troopers, Airport Safety Officers and Marine units or Teachers who have a different salary range scales that do not include range 16.

Comparison of Statutory and Supervisory Salary Schedules after bargained increases

Range 23 in Supervisory Salary Schedule effective 2006

Step A	Step B	Step C	Step D	Step E	Step F
67212	69720	71916	**74508**	76980	79824

Range 26 in Statutory Salary Schedule if no changes occure

Step A	Step B	Step C	Step D	Step E	Step F
73752	76248	78828	81744	84816	87852

Source:http://fin.admin.state.ak.us/dof/payroll/payroll_current_sal.jsp
x: Projects/Historical Wage Negotiatils/BU vs Noncovered Wage Increase since 1990-Leg_050202
Prepared by C. Preecs, Human Resource Specialist, Division of Personnel

SB 71

FRANK H. MURKOWSKI
GOVERNOR
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 20, 2005

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements.

This bill would revise the salary schedule for certain state officials, officers, and employees who are not covered by collective bargaining agreements to bring those salaries into line with employees in the supervisory bargaining unit.

Additionally, this bill would provide for a two percent increase in fiscal years 2006 and 2007, to parallel the offer the state extended to bargaining units with similarly situated employees. This proposal would cover employees in the executive, legislative, and judicial branches of state government who are not covered by a collective bargaining agreement.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

COMMITTEE COPY

SENATE FINANCE COMMITTEE

S I G N - I N

SB 71-NONUNION PUBLIC EMPLOYEE SALARY & BENEFIT

NAME: Mike Tibbles Subject/Bill No: SB 71

Co./Dept./Title: Dept. of Administration Phone: 465-1176

Address: _____ Zip: _____

Do you wish to testify? X Yes ___No ___Respond To Questions

NAME: Art Chance Subject/Bill No: SB 71

Co./Dept./Title: DCA/Labor Relations Phone: 465-4403

Address: _____ Zip: _____

Do you wish to testify? ___Yes ___No ✓ Respond To Questions

NAME: CHRIS CHRISTENSEN Subject/Bill No: SB 71

Co./Dept./Title: ALASKA COURT SYSTEM Phone: 463-4736

Address: EDMOND COURTHOUSE RM 751 Zip: 99801

Do you wish to testify? X Yes ___No ___Respond To Questions

NAME: Pam Varni Subject/Bill No: _____

Co./Dept./Title: AFL-CIO Exec Dir Phone: _____

Address: _____ Zip: _____

Do you wish to testify? ✓ Yes ___No ___Respond To Questions

SB

73

IOUSE COMMITTEE REPO

(11)

Date Referred to Committee: May 9, 2005 — FURTHER REFERRALS:

Date of Committee Action: 5/9/05

The FINANCE Committee considered: — CSSB 73(FIN) am

CS FOR SENATE BILL NO. 73(FIN) am — STATE VIROLOGY LABORATORY

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [ ] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
H-SS	4			
H SS	2			
REV	1			

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Hawker			☆	
	Holm	✓			
	STOLTZE				X
	Joe Le			X	
	Weyhrauch				X
	FOSTER			X	
Chair:	Mayer			X	
Chair:	Chenault			X	

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 4
Bill Version: CSSB 73(FIN)
(S) Publish Date: 5/6/05
Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title: CONSTRUCTION OF A STATE PUBLIC HEALTH VIROLOGY LAB IN FAIRBANKS
RDU: Departmental Support Services
Component: Administrative Support Svcs

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR
Requester: SENATE (FIN)
Component No.: 320

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost:
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: X

POSITIONS

Full-time						
Part-time						
Temporary						

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

The legislation identified $24.2 million in funding for the design, construction and equipping of a state owned and operated virology laboratory in Fairbanks. The funding is comprised of $24,000,000 in proceeds from the sale of Certificates of Participation (COP); and $200,000 in investment earning on the COPs.

Annual debt service on the $24.2 million is estimated at $2,375,000 using the assumptions of a 15-year term and a true interest cost of 4.09%. Debt service will begin in fiscal year 2007, with total repayment estimated at just under $35,575,000. The interest rate listed here is an estimate based on current rates. The rate at the time of the sale of the bonds may slightly differ.

An appropriation of debt service in the language section of the annual operating or capital budget will be made to the debt service fund.

Prepared by: Janet Clarke, Assistant Commissioner — Phone 465-1630
Division: Office of the Commissioner — Date/Time 05/06/2005
Approved by: Joel S. Gilbertson, Commissioner — Date 05/06/2005
Agency: Department of Health and Social Services

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 73
(S) Publish Date: 1/21/05
Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title: CONSTRUCTION OF A STATE PUBLIC HEALTH VIROLOGY LAB IN FAIRBANKS
RDU: Public Health
Component: Public Health Laboratories

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR

Requester: GOVERNOR
Component No.: 2252

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual					200.0	200.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	200.0	200.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)						
1002 Federal Receipts						
1003 GF Match						
1004 GF					200.0	200.0
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	200.0	200.0

Estimate of any current year (FY2005) cost:
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

The Department is requesting funds for construction of a new virology laboratory in Fairbanks. The project would be financed through Certificates of Participation (COPs). As a result of the project, the operational expenses of the building will increase. The Department currently pays $150,000 annually to the University under a lease for the cost of building operational expenses. This includes all utilities, building insurance, fire and police protection, waste disposal, custodial, grounds keeping, maintenance and repair, and snow removal. This cost will increase by an estimated $200,000 annually due to the increased size of the proposed virology laboratory. Since maintenance and repair are included in this amount, the Department will not need to include this building in the Department's overall deferred maintenance capital request when renovation and repair needs arise. The increase will take effect in FY 2010, when the new lab is expected to be completed and occupied by public health staff.

Prepared by: Janet Clarke, Assistant Commissioner
Phone 465-1630
Division: Finance and Management Services
Date/Time 01/10/2005

Approved by: Joel S. Gilbertson, Commissioner
Date 01/20/2005
Agency: Department of Health and Social Services

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 73
(S) Publish Date: 1/21/05

Revision Date/Time (Note if correction):
Dept. Affected: Revenue
Title: Virology Lab Lease-Purchase
RDU: Revenue Programs & Services
Component: Treasury Management
Sponsor: Rules Committee
Requester: Request of the Governor
Component No. 121

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel	10.0					
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Debt Service		2,370.4	2,373.1	2,371.8	2,372.5	2,371.3
TOTAL OPERATING	10.0	2,370.4	2,373.1	2,371.8	2,372.5	2,371.3
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	2,370.4	2,373.1	2,371.8	2,372.5	2,371.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Certicates sale proceeds	0.0					
TOTAL	10.0	2,370.4	2,373.1	2,371.8	2,372.5	2,371.3

Estimate of any current year (FY2005) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

This bill authorizes sale of $24 million in certificates of participation (in a state lease financing obligation) to finance construction of a virology laboratory on the University of Alaska Fairbanks Campus. This fiscal note and analysis contemplates 15-year level debt service, debt issuance costs of 200,000 , a competitive sale, and state credit ratings remaining at current levels. The financing could take place 60 to 90 days after authorization became effective.

Financing assumptions include debt service beginning in FY07, and a 4.9% interest rate/true interest cost.

Prepared by: Deven Mitchell
Phone 465-3750
Division: Treasury Division
Date/Time 1/19/05 1:33 PM
Approved by: Jerry Burnett, Special Assistant to the Commissioner
Date 1/19/2005
Agency: Department of Revenue

(Revised 12/2003 OMB)

HB100

FRANK H. MURKOWSKI
GOVERNOR

GOVERNOR@GOV.STATE.AK.US

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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January 20, 2005

The Honorable John Harris
Speaker of the House
Alaska State Legislature
State Capitol, Room 208
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; and relating to the use of certain investment income for certain construction and equipment costs for the laboratory.

It is imperative that Alaska maintain the capacity for rapid and accurate virological laboratory services as a core element of our public health system. Testing for significant diseases of public health concern such as rabies, measles, mumps, rubella, Norovirus, human immunodeficiency virus (HIV), and influenza, and the threat of emerging diseases, including severe acute respiratory syndrome (SARS) and West Nile virus, requires a modern, well-equipped laboratory.

A virology laboratory has been in operation in Alaska since 1948. The existing facility has been located on the University of Alaska, Fairbanks (UAF) campus since 1967. An independent assessment by the Association of Public Health Laboratories and the Centers for Disease Control and Prevention concluded that the existing facility has severe space limitations and the physical plant itself does not provide for the necessary bio-safety containment processes and facilities necessary for virological testing. The assessment team recommended that a new virology laboratory should be built on the UAF campus, which would preserve the existing technical expertise in virology and enhance the collaboration between the UAF and the Department of Health and Social Services.

The state Public Health Laboratory, located in Anchorage and built in 1999, lacks the space and physical infrastructure to perform the services provided by

the existing Fairbanks virology laboratory. The Anchorage facility provides testing for diseases caused by bacteria, fungi, tuberculosis, and parasites, as well as analytical chemistry services for clinical diagnostics, forensic toxicology, and bio-monitoring. The Anchorage laboratory is also the only biological-safety-level-three facility in the state and thus serves as the central analytical agency for state and federal biological and chemical terrorism response.

The UAF has agreed to provide land and supporting infrastructure for the new state facility under a long-term lease at no cost. Co-location of the state's virology laboratory on the Fairbanks campus would have many advantages for both academic researchers and public health practitioners. This would include providing additional biological-safety-level-three space that should fulfill the need for surge capacity and provision of basic services in the event of a natural disaster affecting the Anchorage laboratory. It also will provide opportunity for enhanced collaboration with UAF's health research program.

This bill would authorize a lease-purchase agreement under AS 36.30.085, subject to annual appropriation, to finance the new laboratory. It would authorize the state bond committee to issue certificates of participation in the aggregate principal amount of $24,000,000 for the construction of the virology laboratory. Additionally, the bill would provide that the remaining balance and equipping costs be paid from investment income of $200,000 earned on the proceeds of the sale of the certificates of participation. The estimated annual amount of rental obligations under the lease-purchase agreement would be $2,375,000. The estimated total cost of construction, acquisition, and other costs of the project, would be $24,200,000. An immediate effective date is requested in the bill.

Your support for this virology laboratory would further Alaska's commitment to provide a modern public health system.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

P.O. BOX 110601
JUNEAU, ALASKA 99811-0601
PHONE: (907) 465-3030
FAX: (907) 465-3068

March 3, 2005

Honorable Kevin Meyer, Co-Chair
House Finance Committee
Alaska State Capitol; Rm. 515
Juneau, AK 99801

Dear Representative Meyer.

The Department of Health and Social Services respectfully requests a hearing in the House Finance Committee on House Bill 100 "An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

This bill would authorize the construction of a public health virology laboratory to replace the existing substandard Fairbanks facility.

The House State Affairs Committee has heard the bill and recommends it be replaced with CS HB 100 (STA). The House Health, Education, and Social Services Committee also has heard the bill and recommends the House (STA) Committee Substitute. The department supports the House State Affairs Committee amendments.

A copy of Governor Murkowski's transmittal letter providing additional information on the project and the associated fiscal notes should be on file with the committee.

Your favorable consideration of this request will be appreciated.

Sincerely,

Sherry Hill, Special Assistant
Office of the Commissioner

cc: Kevin Jardell, Legislative Director
Office of the Governor

Dr. Richard Mandsager, Director
Division of Public Health

PUBLIC HEALTH

PROTECTING AND PROMOTING THE HEALTH OF ALL ALASKANS

HB 100: Construction of a State Public Health Virology Laboratory in Fairbanks

Presentation to the House State Affairs Committee

February 22, 2005

Richard Mandsager, M.D., Director
Alaska Department of Health & Social Services
Division of Public Health

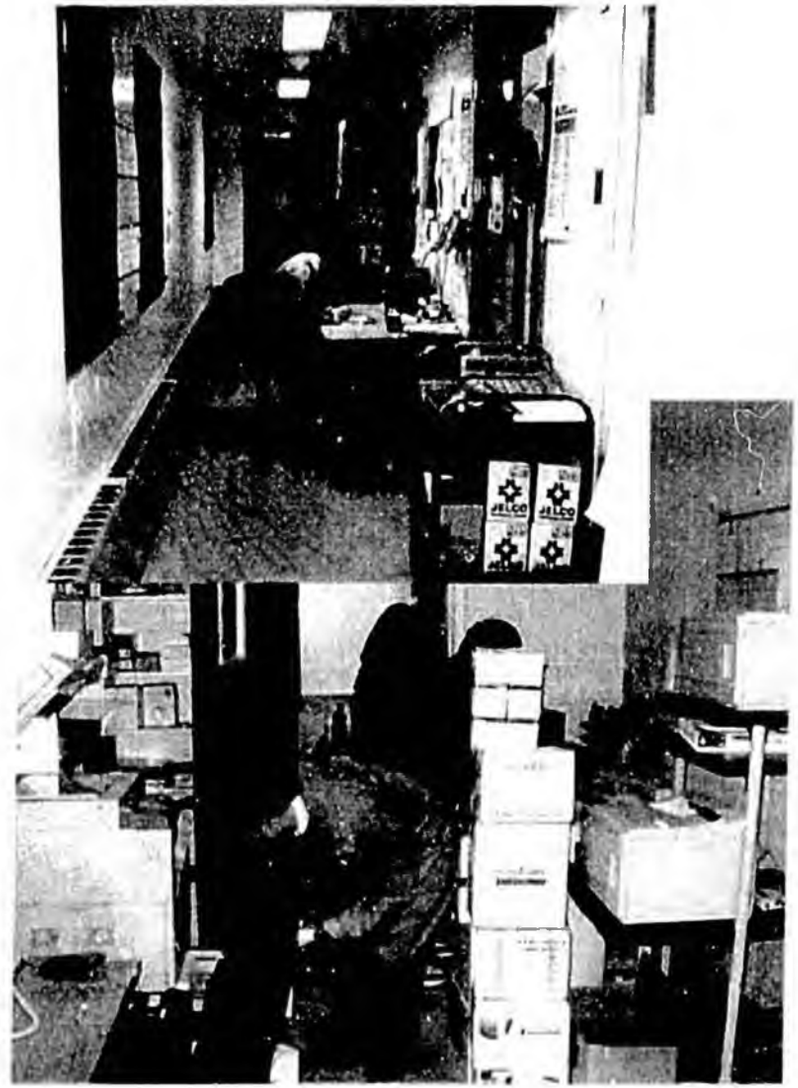
The Alaska State Virology Laboratory

- Provides specialized testing services for the purpose of diagnosing human and animal viral infections, such as
  - Influenza
  - Rabies
  - Hepatitis A, B and C
  - HIV
  - SARS
  - West Nile Virus
  - Norovirus
  - Measles
  - Mumps
  - Rubella

- Tested 36,267 specimens in FY 04
- FY 05 GF Budget = $991.0

Current Fairbanks Virology Laboratory

- Located on UAF Campus since 1967
- 5,255 sq. ft. in Cold War-era Building
- Problem:
  - Severe space limitations
  - Inadequate lighting and ventilation
  - Fails to meet today's laboratory building and ADA accessibility standards
  - Potential for future eviction
  - "an accident waiting to happen"



PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

Proposed Virology Laboratory Solution

- **Collaboration with UAF on a new Laboratory Facility in Fairbanks**
  - Provides critical laboratory capacity for rapid identification of known and "new" viruses
  - Provides redundant and surge capacity in the event of a terrorist attack or natural disaster
  - Retains valuable trained and experienced scientific staff resources

  - Facilitates sharing of ideas and new knowledge between UAF Health Research Program and DHSS

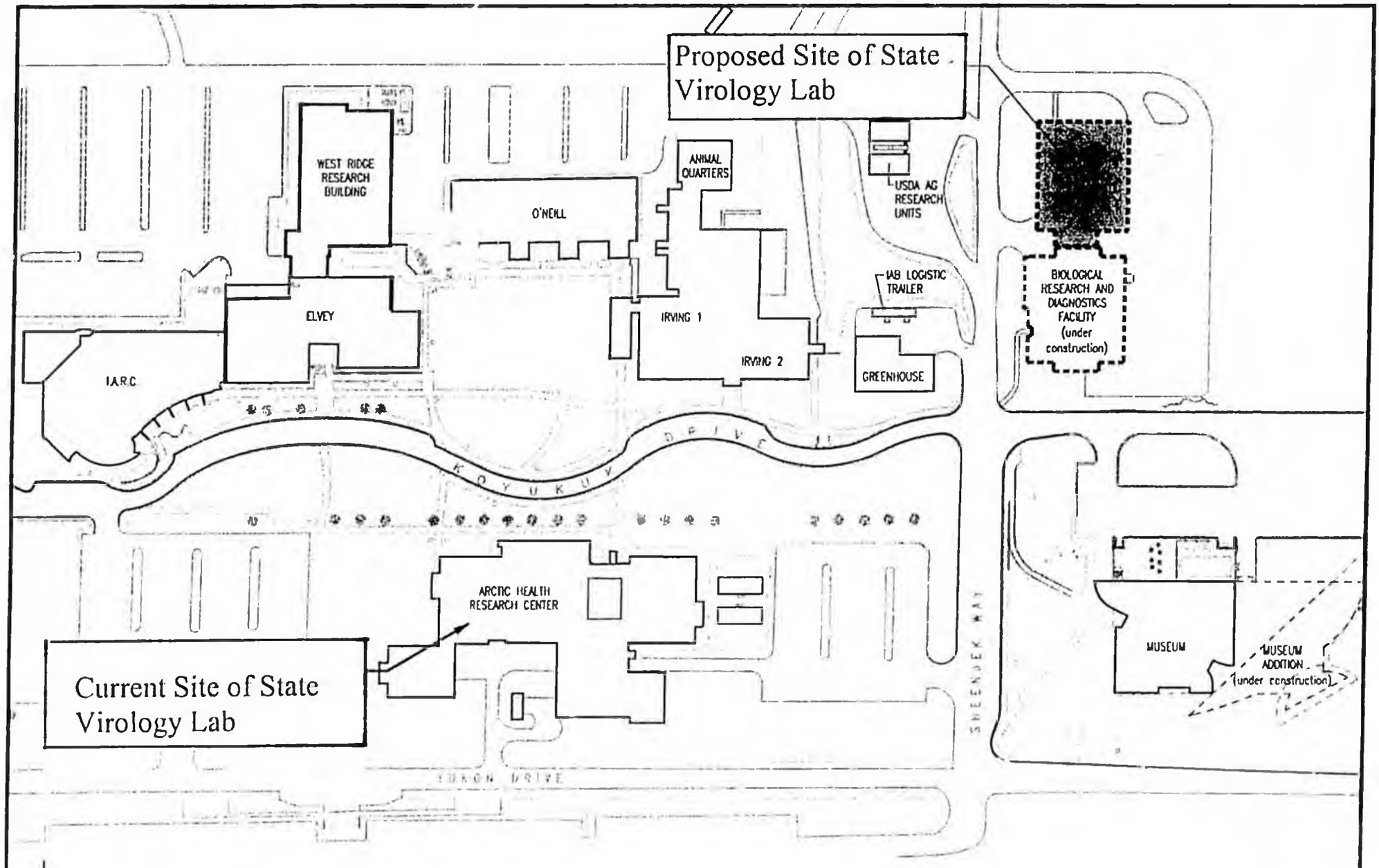
PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

HB 100: Construction of a State Public Health Virology Laboratory in Fairbanks

- Cost: $24.2 Million for
  - Design
  - Construction
  - Equipping
- Financing: Certificates of Participation (COPs)
- Annual Lease-Purchase (estimated)
  - 15-year term
  - 4.90% interest
  - $2,375.0/year

- Long term land lease negotiated with UAF (no cost)

PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS



NTS

UAF WEST RIDGE
PROPOSED SITE of STATE VIROLOGY LAB

UNIVERSITY OF ALASKA FAIRBANKS
FACILITIES SERVICES
Division of Design & Construction
February 2005

SB

73

SFIN

FILE

REPORTED OUT
MAY 6 2005
SENATE FINANCE COMMITEE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/14/05

FURTHER:

DATE TURNED IN TO OFFICE: 6 May 2005

Finance Committee considered SENATE BILL NO. 73

SB 73 STATE VIROLOGY LABORATORY

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

and recommends:

[✓] be replaced with _____ CS SB 73 (FIN)

[ ] adopt previous _____ CS CS forthcoming (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[✓] Same Title
[ ] New Title

House Bill:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #_____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
	f/n forthcoming				
	zero				
	DHSS AdminSvcs				

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
Revenue	1/19/05	10.0			#1
HSS Public Health	1/20/05	FY10		✓	#2

[ ] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
			✓	
			✓	
COCHAIR: Gary Wilken	✓			
COCHAIR: Lyda Green	✓			

REPORTED OUT

MAY 6 2005

SENATE FINANCE COMMITEE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: SB 73
(S) Publish Date: 1/21/05

Revision Date/Time (Note if correction):
Dept. Affected: Revenue

Title: Virology Lab Lease-Purchase
RDU: Revenue Programs & Services
Component: Treasury Management

Sponsor: Rules Committee
Requester: Request of the Governor
Component No.: 121

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel	10.0					
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Debt Service		2,370.4	2,373.1	2,371.8	2,372.5	2,371.3
TOTAL OPERATING	**10.0**	**2,370.4**	**2,373.1**	**2,371.8**	**2,372.5**	**2,371.3**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	10.0	2,370.4	2,373.1	2,371.8	2,372.5	2,371.3
1005 GF/Program Receipts						
1037 GF/Mental Health						
Certicates sale proceeds	0.0					
TOTAL	**10.0**	**2,370.4**	**2,373.1**	**2,371.8**	**2,372.5**	**2,371.3**

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

This bill authorizes sale of $24 million in certificates of participation (in a state lease financing obligation) to finance construction of a virology laboratory on the University of Alaska Fairbanks Campus. This fiscal note and analysis contemplates 15-year level debt service, debt issuance costs of 200,000 , a competitive sale, and state credit ratings remaining at current levels. The financing could take place 60 to 90 days after authorization became effective.

Financing assumptions include debt service beginning in FY07, and a 4.9% interest rate/true interest cost.

Prepared by: Deven Mitchell
Phone 465-3750
Division: Treasury Division
Date/Time 1/19/05 1:33 PM
Approved by: Jerry Burnett, Special Assistant to the Commissioner
Date 1/19/2005
Agency: Department of Revenue

(Revised 12/2001/OMB)

COMMITTEE COPY

REPORTED OUT

MAY 6 2005

SENATE FINANCE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: COMMITTEE SB73CS(FIN)-DHSS-FMS-05-06-05
( ) Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Health & Social Services

Title: CONSTRUCTION OF A STATE PUBLIC HEALTH VIROLOGY LAB IN FAIRBANKS
RDU: Departmental Support Services
Component: Administrative Support Svcs

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR
Requester: SENATE (FIN)
Component No.: 320

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost:
Mark this box (X) If funding for this bill is included in the Governor's FY 2006 budget proposal: X

POSITIONS

Full-time						
Part-time						
Temporary						

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

The legislation identified $24.2 million in funding for the design, construction and equipping of a state owned and operated virology laboratory in Fairbanks. The funding is comprised of $24,000,000 in proceeds from the sale of Certificates of Participation (COP); and $200,000 in investment earning on the COPs.

Annual debt service on the $24.2 million is estimated at $2,375,000 using the assumptions of a 15-year term and a true interest cost of 4.09%. Debt service will begin in fiscal year 2007, with total repayment estimated at just under $35,575,000. The interest rate listed here is an estimate based on current rates. The rate at the time of the sale of the bonds may slightly differ.

An appropriation of debt service in the language section of the annual operating or capital budget will be made to the debt service fund.

Prepared by: Janet Clarke, Assistant Con. oner — Phone 465-1630
Division: Office of the Commissioner — Date/Time 05/06/2005
Approved by: Joel S. Gilbertson, Commissioner — Date 05/06/2005
Agency: Department of Health and Social Services

REPORTED OUT

MAY 6 2005

SENATE FINANCE COMMITEE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: SB 73
(S) Publish Date: 1/21/05
Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title: CONSTRUCTION OF A STATE PUBLIC HEALTH VIROLOGY LAB IN FAIRBANKS

RDU: Public Health

Component: Public Health Laboratories

Sponsor: (RLS) BY REQUEST OF THE GOVERNOR

Requester: GOVERNOR

Component No.: 2252

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual					200.0	200.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	200.0	200.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (0)						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF					200.0	200.0
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	200.0	200.0

Estimate of any current year (FY2005) cost:

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

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

The Department is requesting funds for construction of a new virology laboratory in Fairbanks. The project would be financed through Certificates of Participation (COPs). As a result of the project, the operational expenses of the building will increase. The Department currently pays $150,000 annually to the University under a lease for the cost of building operational expenses. This includes all utilities, building insurance, fire and police protection, waste disposal, custodial, grounds keeping, maintenance and repair, and snow removal. This cost will increase by an estimated $200,000 annually due to the increased size of the proposed virology laboratory. Since maintenance and repair are included in this amount, the Department will not need to include this building in the Department's overall deferred maintenance capital request when renovation and repair needs arise. The increase will take effect in FY 2010, when the new lab is expected to be completed and occupied by public health staff.

Prepared by: Janet Clarke, Assistant Commissioner — Phone 465-1630
Division: Finance and Management Services — Date/Time 01/10/2005
Approved by: Joel S. Gilbertson, Commissioner — Date 01/20/2005
Agency: Department of Health and Social Services

COMMITTEE COPY

Alaska State Senate

Senate Finance Committee

Official Business

* RUSH *

Mail Stop 3100
State Capitol
Juneau, Alaska 99801-1182

FAX COVER SHEET

DATE: 6 May 2005 TIME: 10:05 am

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND
SENATE FINANCE COMMITTEE SECRETARY
PHONE: 465-4935
FAX: 465-2187

NOTES: Final Please
CS SB 73 (FIN) 24-GS1117\F
Bannister 5/5/05
no changes
Thanks
mindy

Scheduled for Senate floor today

Adopted 5/6/05

24-GS1117\F
Bannister
5/5/05

CS FOR SENATE BILL NO. 73(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

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

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INTENT. It is the intent of the legislature that the amount of money to be used for the construction and equipping of a new state virology laboratory is $24,200,000. Of that amount, it is the intent of the legislature that

(1) $24,000,000 shall come from the proceeds of the certificates of participation to be issued by the state bond committee under sec. 2 of this Act; and

(2) $200,000 shall come from the investment income earned on the proceeds of the sale of the certificates of participation described in sec. 2 of this Act.

*** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

NOTICE AND APPROVAL OF ENTRY INTO AND FINANCING OF A LEASE-PURCHASE AGREEMENT. (a) Subject to annual appropriation, the Department of Administration is authorized to enter into a lease-purchase agreement for a state virology laboratory to be constructed under the lease-purchase agreement and to be operated by the Department of Health and Social Services.

(b) The state bond committee is authorized to provide for the issuance of certificates of participation in one or more series in the aggregate principal amount of $24,000,000 for the construction of a state virology laboratory under the lease-purchase agreement authorized in (a) of this section. The remaining balance of the construction and equipping costs shall be paid from investment income of $200,000 earned on the proceeds of the sale of the certificates of participation. The estimated total cost of construction, acquisition, and other costs of the project is $24,200,000. The estimated annual amount of rental obligations under the lease-purchase agreement is $2,375,000. The estimated total lease payment for the full term of the lease-purchase agreement is $35,572,890. In this subsection, "cost of construction" includes credit enhancement and underwriting expenses, rating agency fees, bond counsel fees, financial advisor fees, printing fees, advertising fees, capitalized interest, and interest earnings used for lease payments.

(c) The state bond committee may contract for credit enhancement, underwriting, credit ratings, bond counsel, financial advisor, printing, advertising, and trustee services that the committee considers necessary in financing the project described in this section.

*** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPROVAL OF AGREEMENT. Section 2 of this Act constitutes the approval required by AS 36.30.085.

*** Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

PUBLIC HEALTH

PROTECTING AND PROMOTING THE HEALTH OF ALL ALASKANS

CSSB 73 (HES): Construction of a State Public Health Virology Laboratory in Fairbanks

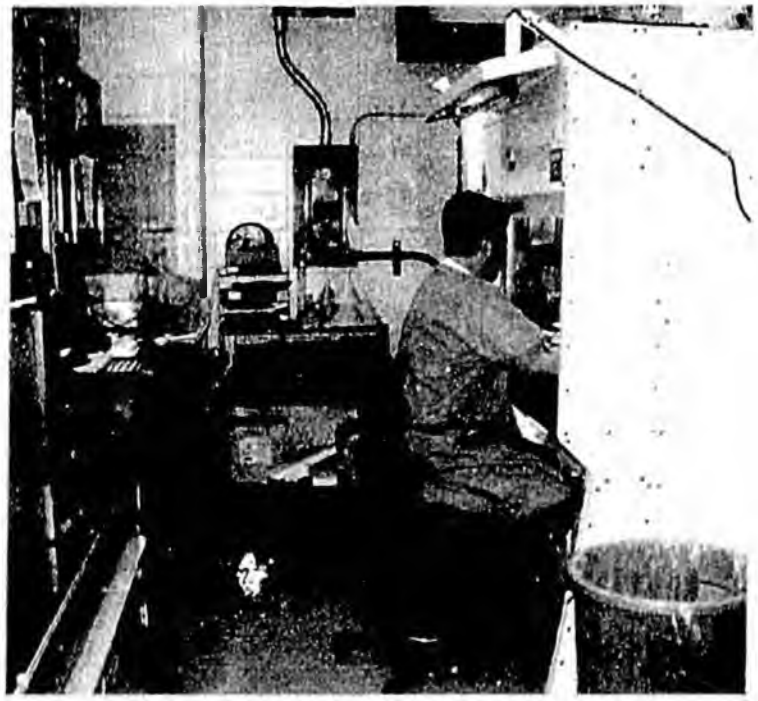
Presentation to the Senate Finance Committee

May 6, 2005

Richard Mandsager, M.D., Director
Alaska Department of Health & Social Services
Division of Public Health

The Alaska State Virology Laboratory

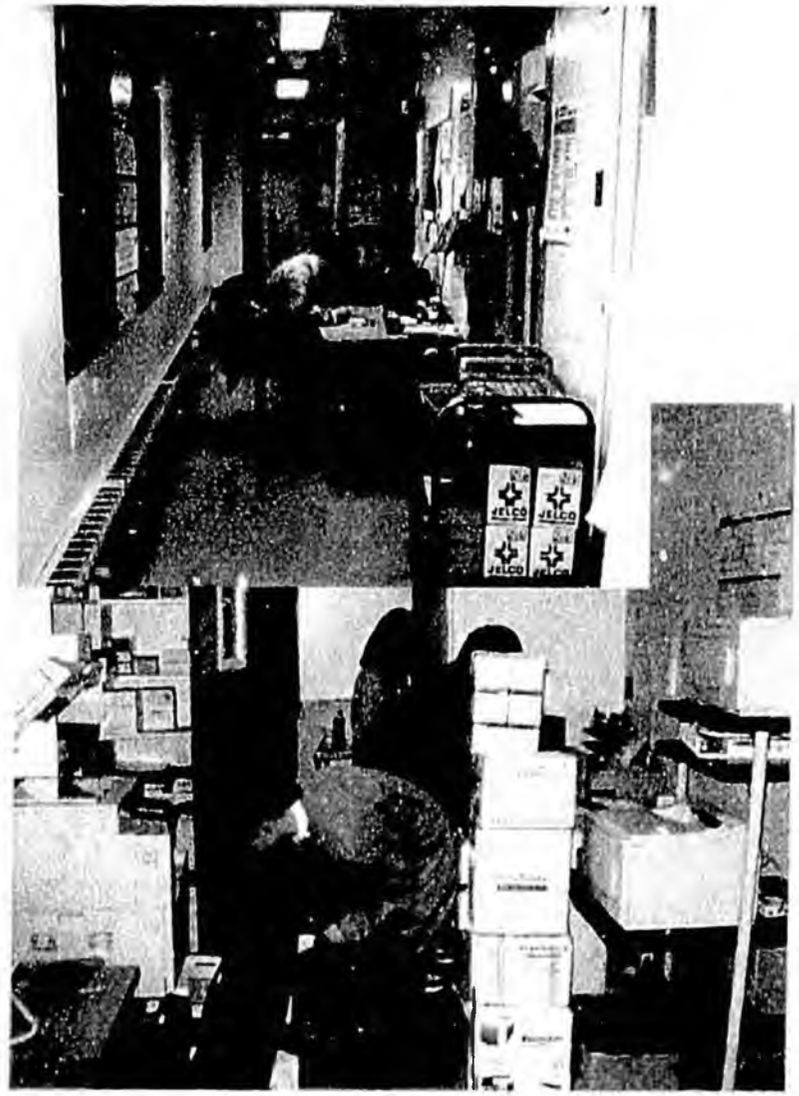
- Provides specialized testing services for the purpose of diagnosing human and animal viral infections, such as
  - Influenza
  - Rabies
  - Hepatitis A, B and C
  - HIV
  - SARS
  - West Nile Virus
  - Norovirus
  - Measles
  - Mumps
  - Rubella



- Tested 36,267 specimens in FY 04
- FY 05 GF Budget = $991.0

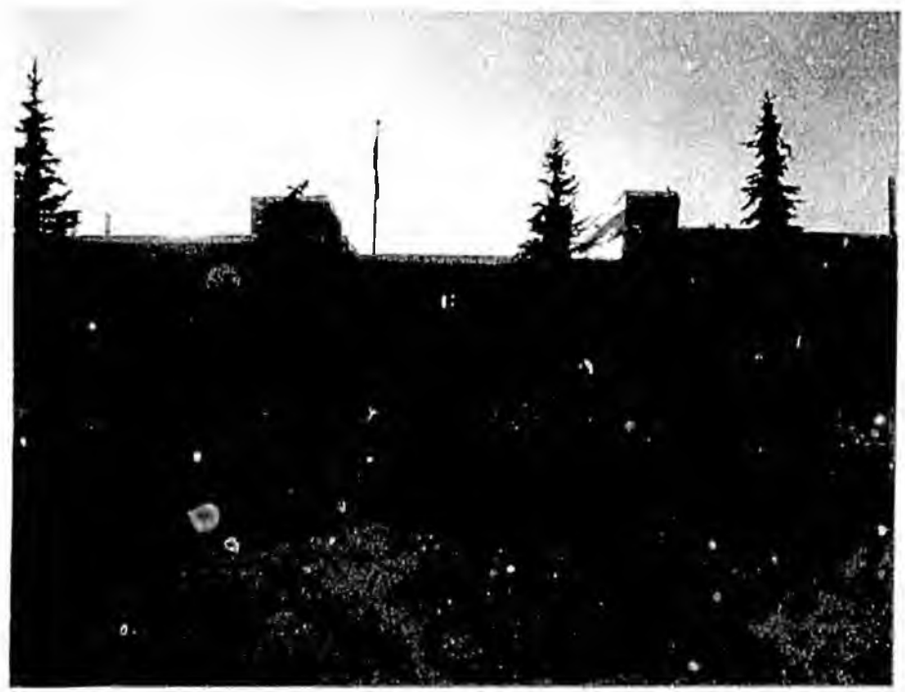
Current Fairbanks Virology Laboratory

- Located on UAF Campus since 1967
- 5,255 sq. ft. in Cold War-era Building
- Problem:
  - Severe space limitations
  - Inadequate lighting and ventilation
  - Fails to meet today's laboratory building and ADA accessibility standards
  - Potential for future eviction
  - "an accident waiting to happen"



Proposed Virology Laboratory Solution

- **Collaboration with UAF on a new Laboratory Facility in Fairbanks**
  - Provides critical laboratory capacity for rapid identification of known and "new" viruses
  - Provides redundant and surge capacity in the event of a terrorist attack or natural disaster
  - Retains valuable trained and experienced scientific staff resources



  - Facilitates sharing of ideas and new knowledge between UAF Health Research Program and DHSS

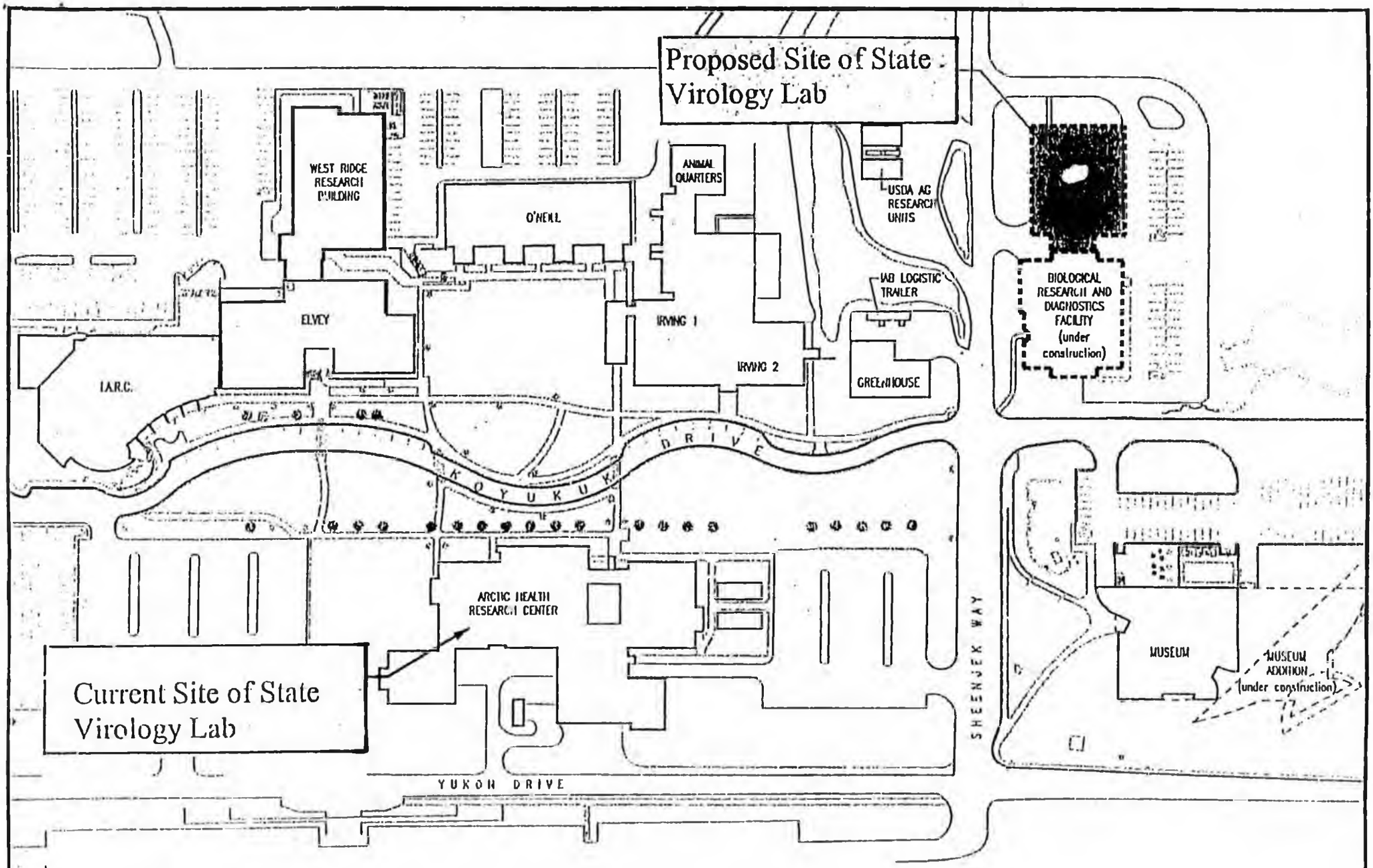
PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS

CSSB 73 (HES): Construction of a State Public Health Virology Laboratory in Fairbanks

- Cost: $24.2 Million for
  - Design
  - Construction
  - Equipping
- Financing: Certificates of Participation (COPs)
- Annual Lease-Purchase (estimated)
  - 15-year term
  - 4.90% interest
  - $2,375.0/year

- Long term land lease negotiated with UAF (no cost)

PUBLIC HEALTH
PROTECTING AND PROMOTING THE
HEALTH OF ALL ALASKANS



UAF WEST RIDGE
PROPOSED SITE of STATE VIROLOGY LAB

NTS

UNIVERSITY OF ALASKA FAIRBANKS
FACILITIES SERVICES
Division of Design & Construction
February 2005

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/21/05

FURTHER: (Finance)

Date of 5-Day Notice: 2/3/05
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 2.11.05

Health, Education and Social Services Committee considered

SENATE BILL NO. 73

SB 73 STATE VIROLOGY LABORATORY

"An Act relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; relating to the use of certain investment income for certain construction and equipment costs for the laboratory; and providing for an effective date."

and recommends:

[x] be replaced with _____ CS SB 73 (HES)

[ ] adopt previous _____ CS _____ (_____)

[ ] attached amendment(s)

[ ] adopt Letter of Intent by _____ Committee

[ ] further referral to _____ Committee

Senate Bill:
[ ] Same Title
[X] New Title

House Bill:
[ ] Same Title
[ ] Technical Title Change
[ ] New Title w/ SCR #____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
REV	1/19	X			1
HSS	1/20	X			2
HSS	1/20	X			3

[ ] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
Elton			✓	
Wilken	✓			
Olson			✓	
Dyson CHAIR:	✓			

SB 73

FRANK H. MURKOWSKI
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STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 20, 2005

The Honorable Ben Stevens
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Stevens:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to a lease-purchase agreement for the construction, equipping, and financing of a state virology laboratory in Fairbanks, on land provided by the University of Alaska, Fairbanks, to be operated by the Department of Health and Social Services; relating to the issuance of certificates of participation for the laboratory; and relating to the use of certain investment income for certain construction and equipment costs for the laboratory.

It is imperative that Alaska maintain the capacity for rapid and accurate virological laboratory services as a core element of our public health system. Testing for significant diseases of public health concern such as rabies, measles, mumps, rubella, Norovirus, human immunodeficiency virus (HIV), and influenza, and the threat of emerging diseases, including severe acute respiratory syndrome (SARS) and West Nile virus, requires a modern, well-equipped laboratory.

A virology laboratory has been in operation in Alaska since 1948. The existing facility has been located on the University of Alaska, Fairbanks (UAF) campus since 1967. An independent assessment by the Association of Public Health Laboratories and the Centers for Disease Control and Prevention concluded that the existing facility has severe space limitations and the physical plant itself does not provide for the necessary bio-safety containment processes and facilities necessary for virological testing. The assessment team recommended that a new virology laboratory should be built on the UAF campus, which would preserve the existing technical expertise in virology and enhance the collaboration between the UAF and the Department of Health and Social Services.

The state Public Health Laboratory, located in Anchorage and built in 1999, lacks the space and physical infrastructure to perform the services provided by

COMMITTEE COPY

the existing Fairbanks virology laboratory. The Anchorage facility provides testing for diseases caused by bacteria, fungi, tuberculosis, and parasites, as well as analytical chemistry services for clinical diagnostics, forensic toxicology, and bio-monitoring. The Anchorage laboratory is also the only biological-safety-level-three facility in the state and thus serves as the central analytical agency for state and federal biological and chemical terrorism response.

The UAF has agreed to provide land and supporting infrastructure for the new state facility under a long-term lease at no cost. Co-location of the state's virology laboratory on the Fairbanks campus would have many advantages for both academic researchers and public health practitioners. This would include providing additional biological-safety-level-three space that should fulfill the need for surge capacity and provision of basic services in the event of a natural disaster affecting the Anchorage laboratory. It also will provide opportunity for enhanced collaboration with UAF's health research program.

This bill would authorize a lease-purchase agreement under AS 36.30.085, subject to annual appropriation, to finance the new laboratory. It would authorize the state bond committee to issue certificates of participation in the aggregate principal amount of $24,000,000 for the construction of the virology laboratory. Additionally, the bill would provide that the remaining balance and equipping costs be paid from investment income of $200,000 earned on the proceeds of the sale of the certificates of participation. The estimated annual amount of rental obligations under the lease-purchase agreement would be $2,375,000. The estimated total cost of construction, acquisition, and other costs of the project, would be $24,200,000. An immediate effective date is requested in the bill.

Your support for this virology laboratory would further Alaska's commitment to provide a modern public health system.

I urge your prompt and favorable action on this measure.

Sincerely yours,

Frank H. Murkowski
Governor

Enclosure

SB

74

SFIN

FILE

SB 74

was referred to the Senate Finance Committee

Hearing(s) were held

The bill did not move from Committee

24-GS1054\Y
Luckhaupt
1/11/06

CS FOR SENATE BILL NO. 74(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

"An Act making findings relating to marijuana use and possession; relating to marijuana and misconduct involving a controlled substance; and providing for an effective date."

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

* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PURPOSE. The purpose of this Act is to protect the health and safety of persons in this state and to provide legislative findings concerning this Act regarding marijuana and its effects in this state.

* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to read:

FINDINGS. The type of marijuana available in the United States and Alaska today, and the changes in the patterns of usage of the drug, particularly by young Alaskans, Alaska Natives and those undergoing alcohol treatment, pose a threat to the public health and welfare

that justifies prohibiting possession in this state, even by adults at home. In this Act, the legislature has considered its duty to implement the right to privacy in art. I, sec. 22, Constitution of the State of Alaska, and its duty to promote the public health and welfare in art. VII, sec. 4, Constitution of the State of Alaska. The legislature has also considered its obligation to carry out the intent of the voters of Alaska in recriminalizing marijuana by ballot initiative in 1990, and in defeating ballot initiatives to again decriminalize marijuana in 2000 and 2004. To assist the courts in considering these issues, the legislature further finds that

(1) the potency of marijuana has increased dramatically since the 1960s and 1970s; the national average amount of delta-9-tetrahydrocannabinol (THC), the main psychoactive ingredient, was less than one percent then, but increased steadily in the 1980s and 1990s, and by 2003 was six times higher, at 6.4 percent; marijuana grown and available in Alaska is much more potent than the national average, and has been tested with THC levels over 20 percent; the average potency of Alaska marijuana for the period 1993-2003 was over 10 percent and for 2003 was nearly 14 percent; Alaska marijuana today commands hundreds of dollars per ounce on the illegal market and is often sold in smaller amounts within the price range of teenagers; the increasing potency of marijuana corresponds to an increase in substance abuse treatment admissions, particularly youth 12 - 17 years of age, and in the number of persons seeking emergency medical care due to marijuana-related incidents;

(2) several hundred adults and children are admitted into treatment each year in Alaska for marijuana abuse, with more than half being children under 18 years of age and more than a third being Alaska Natives; pregnant women in Alaska use marijuana at a higher rate than the national average and the percentage of pregnant Alaska Native women using marijuana is more than double the national average and the average for non-Native Alaskan women; the percentage of Alaska Native high school youth who have used marijuana is significantly higher than among non-Native youth;

(3) there is evidence that many users become dependent on marijuana under the clinical standards applied by the Diagnostic and Statistical Manual of Mental Disorders IV; studies have shown that use of marijuana and withdrawal from marijuana affect some of the same neurochemical processes as known addictive drugs; Marijuana Anonymous chapters to treat marijuana addicts exist in a majority of states in the country. This is persuasive evidence of marijuana's potential for users becoming dependent on it. Currently, one-third of