

178

OF THE
HB 49

wo 6432
Sofa

Original sponsor: Parr

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 479

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

ELEVENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act revising the drug laws of the state."

7

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

8

* Section 1. AS 17 is amended by adding a new chapter to read:

9

CHAPTER 17. CONTROLLED SUBSTANCES ACT.

10

ARTICLE 1. STANDARDS AND PROCEDURES. *OK*

11

Sec. 17.17.010. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)

12

There is created within the Department of Law the Controlled Substances
Advisory Committee, composed of

14

(1) the attorney general or his designee;

15

(2) the commissioner of health and social services or his

16

designee;

17

(3) the commissioner of public safety or his designee;

18

(4) a pharmacist appointed by the governor;

19

(5) an attorney appointed by the governor;

20

(6) a physician appointed by the governor;

21

(7) a psychiatrist appointed by the governor;

22

(8) a member of the legislature appointed by the governor;

23

(9) a member of the general public appointed by the governor.

24

(b) The attorney general, the commissioner of health and social
services, *and* the commissioner of public safety, and the legislator serve ex
officio and are nonvoting members of the committee. The members
appointed by the governor serve terms of four years and until their
successors are appointed and qualify, except that the attorney initially
appointed under (a)(5) of this section serves a term of three years and

29

1 until his successor is appointed and qualifies.

2 (c) The members receive no compensation for their service on the
3 committee but are entitled to travel expenses and per diem under AS 39.-
4 20.180.

5 (d) The committee shall meet at the call of the attorney general.
6 Three ^{meeting} members constitute a quorum. The committee may adopt bylaws for
7 its proceedings.

8 Sec. 17.17.020. AUTHORITY TO SCHEDULE CONTROLLED SUBSTANCES. (a)
9 The committee may ^{reccomend to the legis} by regulation adopted under the Administrative ^{The addition}
10 Procedure Act (AS 44.62) ^{and deletion of} add substances to the schedules in AS 17.17.-
11 040 - 17.17.090. ^{reccomendation} [The committee may not delete substances from those
12 schedules or reclassify substances from one schedule to another] In
13 making a ^{reccomendation} [determination] regarding the addition ^{or deletion} of a substance, the com-
14 mittee shall assess the danger or probable danger of the substance by
15 considering the following:

- 16 (1) the actual or probable abuse of the substance, including
17 (A) its history and current pattern of abuse;
18 (B) the scope, duration, and significance of abuse; and
19 (C) the degree of actual or probable detriment which may
20 result from abuse of the substance;
21 (D) the probable physical and social impact of wide-
22 spread abuse of the substance;
23 (2) the biomedical hazard of the substance, including
24 (A) its pharmacology: the effects and modifiers of
25 effects of the substance;
26 (B) its toxicology: the acute and chronic toxicity,
27 interaction with other substances whether controlled or not, and
28 liability to psychological or physiological dependence;
29 (C) its risk to public health and the particular suscepti

1 bility of segments of the population;

2 (3) whether the substance is an immediate precursor of a
3 substance already controlled under this chapter;

4 (4) the current state of scientific knowledge regarding the
5 substance;

6 (5) the relationship between the use of the substance and
7 other criminal activity including

8 (A) whether persons engaged in illicit trafficking of
9 the substance are also engaged in other criminal activity;

10 (B) whether the nature and relative profitability of the
11 substance encourage illicit trafficking in the substance;

12 (C) whether the commission of other crime is one of the
13 effects of the use of the substance;

14 (D) whether addiction to the substance relates to the
15 commission of crimes to support the continued use of the substance.

16 (b) If, after considering the factors set out in (a) of this sec-
17 tion, the committee finds that a substance should be added ^{or deleted from} to a schedule
18 the committee shall ^{request the A.G. and Gov to prepare legislation} adopt a regulation in accordance with its findings.

19 (c) The committee shall ^{add} advise the governor and the legislature as
20 to the need to delete or reschedule substances in the schedules in
21 AS 17.17.040 -17.17.090. In making recommendations regarding a sub-
22 stance, the committee shall assess the danger or probable danger of the
23 substance by considering the factors set out in (a) of this section.

24 (d) If the committee designates a substance as an immediate pre-
25 cursor of a controlled substance, substances which are precursors of the
26 controlled precursor are not subject to control solely because they are
27 precursors of the controlled precursor.

28 (e) By the 30th day of each legislative session, the committee
29 shall prepare and present to the governor and the legislature a report

1 discussing the actions of the committee during the preceding year. ^{recommented} If
2 the committee has ~~adopted~~ a regulation adding a controlled substance,
3 the report shall include the committee's findings of fact and other
4 supporting information it considers appropriate.

5 (f) The committee has no authority over tobacco or over intoxica-
6 ting liquor as defined in AS 04.20.010.

7 Sec. 17.17.030. NOMENCLATURE. The controlled substances listed in
8 the schedules in AS 17.17.040 - 17.17.090 ^{or} in the regulations adopted
9 under this chapter are included by whatever official, common, usual,
10 chemical, or trade name designated. In some instances, slang terms are
11 listed after a controlled substance. In a prosecution or other proceed-
12 ing under this chapter, it is not a defense and it is immaterial that a
13 slang term is listed after more than one controlled substance, that a
14 slang term listed after a controlled substance is inaccurately applied
15 to that controlled substance, that no slang term is listed after a
16 controlled substance, or that slang terms other than those listed apply
17 in fact to a controlled substance.

18 Sec. 17.17.040. SCHEDULE I. (a) A substance shall be placed in
19 Schedule I if it is found under AS 17.17.020 to have the highest degree
20 of danger or probable danger.

21 (b) Unless specifically excepted or unless listed in another
22 schedule, Schedule I controlled substances include any material compound
23 which contains any quantity of a substance listed in this subsection,
24 including its salts, its isomers, (whether optical, position, or geo-
25 metric), and the salts of its isomers whenever the existence of those
26 salts, isomers, or salts of isomers is possible within the specific
27 chemical designation, regardless of whether the listed substance is
28 produced directly or indirectly by extraction from substances of vege-
29 table origin or independently by means of chemical synthesis or by a

1 combination of extraction and chemical synthesis:

2 (1) opium and opiate, and any salt, compound, derivative, or
3 preparation of opium or opiate, excluding apomorphine, dextrorphan,
4 nalbuphine, naloxone, and naltrexone, and their respective salts, but
5 including the following:

6 (A) raw opium (slang terms: op, pen yan, hop, tar,
7 black stuff);

8 (B) opium extracts;

9 (C) opium fluid extracts;

10 (D) powdered opium;

11 (E) granulated opium;

12 (F) tincture of opium;

13 (G) codeine (slang term: school boy);

14 (H) ethylmorphine;

15 (I) etorphine hydrochloride;

16 (J) hydrocodone;

17 (K) hydromorphone;

18 (L) metopon;

19 (M) morphine (slang terms: cube, first line, hocus,
20 Miss Emma, morph, morpho, morphy, mud, white stuff, hard stuff, M,
21 unkie);

22 (N) oxycodone;

23 (O) oxymorphone;

24 (P) thebaine;

25 (2) any salt, compound, derivative, or preparation of these
26 which is chemically equivalent or identical with any of the substances
27 referred to in (1) of this subsection, except that these substances do
28 not include the isoquinoline alkaloids of opium;

29 (3) opium poppy and poppy straw;

- 1 (4) concentrate of poppy straw (the crude extract of poppy
2 straw in liquid, solid, or powder form which contains the phenanthrene
3 alkaloids of the opium poppy);
- 4 (5) acetylmethadol;
5 (6) allylprodine;
6 (7) alphacetylmethadol;
7 (8) alphameprodine;
8 (9) alphamethadol;
9 (10) enileridine;
10 (11) alphaprodine;
11 (12) benzethidine;
12 (13) betacetylmethadol;
13 (14) betameprodine;
14 (15) betamethadol;
15 (16) betaprodine;
16 (17) clonitazene;
17 (18) dextromoramide;
18 (19) dianpromide;
19 (20) diethylthiambutene;
20 (21) difenoxin;
21 (22) dimenoxadol;
22 (23) dimepheptanol;
23 (24) dimethylthiambutene;
24 (25) dioxaphetyl butyrate;
25 (26) dipipanone;
26 (27) ethylmethylthiambutene;
27 (28) etonitazene;
28 (29) etoxeridine;
29 (30) furethidine;

- 1 (31) hydroxpethidine;
- 2 (32) ketobemidone;
- 3 (33) levomoramide;
- 4 (34) levophenacymorphan;
- 5 (35) morpheridine;
- 6 (36) noracymethadol;
- 7 (37) norlevorphanol;
- 8 (38) normethadone;
- 9 (39) norpipanone;
- 10 (40) phenadoxone;
- 11 (41) phenampromide;
- 12 (42) phenomorphan;
- 13 (43) phenoperidine;
- 14 (44) piritramide;
- 15 (45) proheptazine;
- 16 (46) properidine;
- 17 (47) propiram;
- 18 (48) racemoramide;
- 19 (49) trimeperidine;
- 20 (50) acetorphine;
- 21 (51) acetyldihydrocodeine;
- 22 (52) benzylmorphine;
- 23 (53) codeine methylbromide;
- 24 (54) codeine-N-oxide;
- 25 (55) cyprenorphine;
- 26 (56) desomorphine;
- 27 (57) dihydromorphine;
- 28 (58) drotebanol;
- 29 (59) etorphine;

- 1 (60) heroin (s'ang terms: big H, boy, brown, brown sugar,
2 caballo, Chinese red, chiva, crap, doojee, H, Harry, horse, junk,
3 Mexican mud, powder, scag, smack, stuff, thing, joy powder, white stuff,
4 sugar, hairy, skag, schmeck);
- 5 (61) hydromorphinol;
- 6 (62) methyldesorphine;
- 7 (63) methyldihydromorphine;
- 8 (64) morphine methylbromide;
- 9 (65) morphine methylsulfonate;
- 10 (66) morphine-N-oxide;
- 11 (67) myrophine;
- 12 (68) nicocodeine;
- 13 (69) nicomorphine;
- 14 (70) normorphine;
- 15 (71) pholcodine;
- 16 (72) thebacon;
- 17 (73) alphaprodine;
- 18 (74) anileridine;
- 19 (75) bezitramide;
- 20 (76) dihydrocodeine;
- 21 (77) diphenoxylate;
- 22 (78) fentanyl;
- 23 (79) isomethadone;
- 24 (80) levomethorphan;
- 25 (81) levorphanol;
- 26 (82) metazocine;
- 27 (83) methadone;
- 28 (84) methadone-intermediate, 4-cyano-2-dimethylamino-4,
29 4-diphenyl butane;

- 1 (85) moramide-intermediate, 2-methyl-3-morpholino-1,
2 1-diphenylpropane-carboxylic acid;
3 (86) pethidine (meperidine);
4 (87) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperi-
5 dine;
6 (88) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
7 carboxylate;
8 (89) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
9 carboxylic acid;
10 (90) phenazocine;
11 (91) piminodine;
12 (92) racemethorphan;
13 (93) racemorphan.

14 Sec. 17.17.050. SCHEDULE II. (a) A substance shall be placed in
15 Schedule II if it is found under AS 17.17.020 to have a degree of danger
16 or probable danger lower than Schedule I controlled substances but
17 higher than Schedule III controlled substances.

18 (b) Unless specifically excepted or unless listed in another
19 schedule, Schedule II controlled substances include any material com-
20 pound which contains any quantity of a substance listed in this subsec-
21 tion, including its salts, its isomers (whether optical, position, or
22 geometric), and the salts of its isomers whenever the existence of those
23 salts, isomers, or salts of isomers is possible within the specific
24 chemical designation, regardless of whether the listed substance is
25 produced directly or indirectly by extraction from substances of vege-
26 table origin or independently by means of chemical synthesis or by a
27 combination of extraction and chemical synthesis:

28 (1) cocaine and any compound, derivative, or preparation of
29 coca leaves produced directly or indirectly by extraction from coca

1 leaves, or independently by means of chemical synthesis, or by a
2 combination of extraction and chemical synthesis, including the isomers,
3 salts, and salts of isomers of cocaine and other derivatives of coca
4 leaves whenever the existence of such isomers and salts is possible, but
5 does not include decocainized coca leaves or extractions of coca leaves
6 which do not contain cocaine or ecgonine (slang terms: Bernice,
7 bernies, big C, blow, C, coke, dream, flake, girl, gold dust, heaven
8 dust, nose candy, paradise, rock, white, happy dust, speedballs, snow
9 birds, Cecil, stardust, Corine, Carrie, dust, Burese);

10 (2) 4-bromo-2,5-dimethoxy-amphetamine, also known as bromo-2,
11 5-dimethoxy-a-methylphenethylamine and 4-bromo-2,5-DMA;

12 (3) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-
13 methylphenethylamine and 2,5-DMA;

14 (4) 4-methoxyamphetamine, also known as 4-methoxy-a-
15 methylphenethylamine and paramethoxyamphetamine, PMA;

16 (5) 5-methoxy-3,4-methylenedioxy-amphetamine;

17 (6) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-
18 methyl-2,5-dimethoxy-a-methylphenethylamine (slang terms: DOM, MDA,
19 STP, serenity, tranquility, and peace, cone drug);

20 (7) 3,4-methylenedioxy amphetamine;

21 (8) 3,4,5-trimethoxy amphetamine;

22 (9) bufotenine, also known as 3-(b-dimethylaminoethyl)-5-
23 hydroxyindole and 3-(2-dimethylaminoethyl)-5-indolol and N,N-
24 dimethylserotonin and 5-hydroxy-N,N-dimethyltryptamine and mappine;

25 (10) diethyltryptamine, also known as N,N-diethyltryptamine
26 and DET;

27 (11) dimethyltryptamine, also known as DMT (slang terms:
28 businessman's special, lunch-hour trip);

29 (12) ibogaine, also known as 7-ethyl-6,6,8,7,8,9,10,12,13-

1 octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b]
2 indole and Tabernanthe iboga;

3 (13) lysergic acid diethylamide (slang terms: Alice D, acid,
4 beast, big D, blue cheer, blue heaven, blue mist, brown dots, California
5 sunshine, chocolate chips, coffee, contact lens, cupcakes, haze, mellow
6 yellows, microdots, orange mushrooms, orange wedges, Owsley, paper acid,
7 royal blue, strawberry fields, sugar, sunshine, the hawk, wedges, white
8 lightning, window pane, yellows, cubes, 25, Lucy in the sky with dia-
9 monds);

10 (14) mescaline (slang terms: mesc, mescal, moon);

11 (15) peyote, meaning all parts of the plant presently classi-
12 fied botanically as *Lophophora williamsii* Lemaire, whether growing or
13 not, the seeds of the plant, any extract from any part of the plant, and
14 every compound, manufacture, salts, derivative, mixture, or preparation
15 of the plant, its seeds, or extracts (slang terms: buttons, cactus,
16 mescal buttons, mesc, mescal, plants);

17 (16) N-ethyl-3-piperidyl benzilate;

18 (17) N-methyl-3-piperidyl benzilate (slang term: LBJ);

19 (18) psilocybin (slang terms: magic mushroom, mushroom);

20 (19) psilocyn (slang terms: magic mushroom, mushroom);

21 (20) chemically synthesized tetrahydrocannabinols, also known
22 as THC;

23 (21) thiophene analog of phencyclidine, also known as:
24 1-[1-(2-thienyl) cyclohexyl] piperidine and 2-thienyl analog of
25 phencyclidine and TPCP;

26 (22) phencyclidine, also known as PCP (slang terms: angel
27 dust, DOA (Dead On Arrival), hog, killer weed (when combined with mari-
28 juana or other plant material), peace pill);

29 (23) mecloqualone;

1 (24) amphetamine, its salts, optical isomers, and salts of its
2 optical isomers (slang terms: beans, bennies, black beauties, black-
3 birds, black Mollies, bumblebees, cartweels, chalk, chicken powder,
4 copilots, crank, crossroads, crystal, dexies, double cross, eye openers,
5 hearts, jelly beans, lightning, meth, minibennies, nuggets, oranges, pep
6 pills, speed, roses, thrusters, truck drivers, turnabouts, uppers, ups,
7 wake-ups, peaches, whites, browns, greenies, bombido, jugs, bottles, lid
8 proppers, football, coast-to-coast, L.A. turnabouts);

9 (25) methamphetamine, its salts, isomers, and salts of its
10 isomers (slang terms: bombido, crystal, meth, speed, splash);

11 (26) phenmetrazine and its salts;

12 (27) methylphenidate;

13 (28) methaqualone (slang terms: ludes, quads, quads, soapers,
14 sopes);

15 (29) amobarbital (slang terms: barbs, block busters, Christ-
16 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
17 goofballs, goofs, tuinal, tuies, rainbow, double trouble, red and
18 blues);

19 (30) secobarbital (slang terms: barbs, block busters, Christ-
20 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
21 goofballs, goofs, tuinal, tuies, rainbow, double trouble, red and blues,
22 reds, red birds, red devils, seccy, pink, seggy, pink.ladies, marsh-
23 mallow reds, Mexican reds);

24 (31) pentobarbital (slang terms: barbs, block busters,
25 Christmas trees, downers, green dragons, peanuts, sleeping pills,
26 stumblers, goofballs, goofs, yellow jackets, yellows, nimby's, nimbies,
27 nobbies).

28 Sec. 17.17.000. SCHEDULE III. (a) A substance shall be placed in
29 Schedule III if it is found under AS 17.17.020 to have a degree of

1 danger or probable danger lower than Schedule II controlled substances
2 but higher than Schedule IV controlled substances.

3 (b) Unless specifically excepted or unless listed in another
4 schedule, Schedule III controlled substances include any material com-
5 pound which contains any quantity of a substance listed in this subsec-
6 tion, including its salts, its isomers (whether optical, position, or
7 geometric), and the salts of its isomers whenever the existence of those
8 salts, isomers, or salts of isomers is possible within the specific
9 chemical designation, regardless of whether the listed substance is
10 produced directly or indirectly by extraction from substances of vege-
11 table origin or independently by means of chemical synthesis or by a
12 combination of extraction and chemical synthesis:

13 (1) benzphetamine;

14 (2) chlorphentermine;

15 (3) clortermine;

16 (4) mazindol;

17 (5) phendimetrazine;

18 (6) any compound, mixture, or preparation containing amobar-
19 bital, secobarbital, or pentobarbital or any salt of any of these sub-
20 stances combined with one or more other active medicinal ingredients
21 which are not listed in any classification in this section;

22 (7) any suppository dosage form containing amobarbital,
23 secobarbital, or pentobarbital or any salt of any of these substances
24 which are approved by the federal Food and Drug Administration for
25 marketing only as a suppository;

26 (8) any substance, having a depressant effect on the central
27 nervous system, which contains any quantity or derivative of barbituric
28 acid or any salt of these;

29 (9) chlorhexadol;

- 1 (10) glutethimide (slang terms: C.D., cibas);
2 (11) lysergic acid;
3 (12) lysergic acid amide;
4 (13) methyprylon;
5 (14) sulfondiethylmethane;
6 (15) sulfonethylmethane;
7 (16) sulfonmethane;
8 (17) nalorphine;
9 (18) any material, compound, mixture, or preparation contain-
10 ing limited quantities of any of the following substances or any of
11 their salts:

12 (A) not more than 1.8 grams of codeine per 100 milli-
13 liters or not more than 90 milligrams per dosage unit, with an
14 equal or greater quantity of an isoquinoline alkaloid of opium;

15 (B) not more than 1.8 grams of codeine per 100 milli-
16 liters or not more than 90 milligrams per dosage unit, with one or
17 more active, nonnarcotic ingredients in recognized therapeutic
18 amounts;

19 (C) not more than 300 milligrams of dihydrocodeinone per
20 100 milliliters or not more than 15 milligrams per dosage unit,
21 with a fourfold or greater quantity of an isoquinoline alkaloid of
22 opium;

23 (D) not more than 300 milligrams of dihydrocodeinone per
24 100 milliliters or not more than 15 milligrams per dosage unit,
25 with one or more active nonnarcotic ingredients in recognized
26 therapeutic amounts;

27 (E) not more than 1.8 grams of dihydrocodeine per 100
28 milliliters or not more than 90 milligrams per dosage unit, with
29 one or more active nonnarcotic ingredients in recognized thera-

1 peutic amounts;

2 (F) not more than 300 milligrams of ethylmorphine per
3 100 milliliters or not more than 15 milligrams per dosage unit,
4 with one or more active, nonnarcotic ingredients in recognized
5 therapeutic amounts;

6 (G) not more than 500 milligrams of opium per 100 milli-
7 liters or per 100 grams or not more than 25 milligrams per dosage
8 unit, with one or more active, nonnarcotic ingredients in recog-
9 nized therapeutic amounts;

10 (H) not more than 50 milligrams of morphine per 100
11 milliliters or per 100 grams, with one or more active, nonnarcotic
12 ingredients in recognized therapeutic amounts.

13 Sec. 17.17.070. SCHEDULE IV. (a) A substance shall be placed in
14 Schedule IV if it is found under AS 17.17.020 to have a degree of danger
15 or probable danger lower than Schedule III controlled substances but
16 higher than Schedule V controlled substances.

17 (b) Unless specifically excepted or unless listed in another
18 schedule, Schedule IV controlled substances include any material com-
19 pound which contains any quantity of a substance listed in this subsec-
20 tion, including its salts, its isomers (whether optical, position, or
21 geometric), and the salts of its isomers whenever the existence of those
22 salts, isomers, or salts of isomers is possible within the specific
23 chemical designation, regardless of whether the listed substance is
24 produced directly or indirectly by extraction from substances of vege-
25 table origin or independently by means of chemical synthesis or by a
26 combination of extraction and chemical synthesis:

27 (1) barbital;

28 (2) chloral betaine;

29 (3) chloral hydrate (slang terms: knockout drops, Mickey

- 1 Finn, Mickey, Peter);
- 2 (4) chlordiazepoxide;
- 3 (5) clonazepam;
- 4 (6) clorazepate;
- 5 (7) diazepam;
- 6 (8) ethchlorvynol;
- 7 (9) ethinamate;
- 8 (10) flurazepam;
- 9 (11) lorazepam;
- 10 (12) mebutamate;
- 11 (13) meprobamate;
- 12 (14) methohexital;
- 13 (15) methylphenobarbital (mephobarbital);
- 14 (16) oxazepam;
- 15 (17) paraldehyde;
- 16 (18) petrichloral;
- 17 (19) phenobarbital;
- 18 (20) prazepam;
- 19 (21) pentazocine;
- 20 (22) fenfluramine;
- 21 (23) diethylpropion;
- 22 (24) phentermine;
- 23 (25) pemoline, including organometallic complexes and chelates
- 24 thereof;
- 25 (26) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
- 26 diphenyl-3-methyl-2-propionoxybutane);
- 27 (27) hashish and hashish oil (slang terms: black Russian,
- 28 hash, kif, quarter moon, soles).

29 Sec. 17.17.08C SCHEDULE V. (a) A substance shall be placed in

1 Schedule V if it is found under AS 17.17.020 to have a degree of danger
2 or probable danger lower than Schedule IV controlled substances but
3 higher than Schedule VI controlled substances.

4 (b) Unless specifically excepted or unless listed in another
5 schedule, Schedule V controlled substances include loperamide and any
6 material compound which contains any quantity of a substance listed in
7 this subsection, including its salts, its isomers (whether optical,
8 position, or geometric), and the salts of its isomers whenever the
9 existence of those salts, isomers, or salts of isomers is possible
10 within the specific chemical designation, regardless of whether the
11 listed substance is produced directly or indirectly by extraction from
12 substances of vegetable origin or independently by means of chemical
13 synthesis or by a combination of extraction and chemical synthesis.
14 Schedule V controlled substances include the following controlled sub-
15 stances, otherwise listed in AS 17.17.040(b), when they are combined in
16 the following portions with one or more nonnarcotic active medicinal
17 ingredients in sufficient portion to confer upon the compound mixture
18 preparation valuable medicinal qualities other than those possessed by
19 the Schedule I controlled substance:

20 (1) not more than 200 milligrams of codeine per 100 milli-
21 liters or per 100 grams;

22 (2) not more than 100 milligrams of dihydrocodeine per 100
23 milliliters or per 100 grams;

24 (3) not more than 100 milligrams of ethylmorphine per 100
25 milliliters or per 100 grams;

26 (4) not more than 2.5 milligrams of diphenoxylate and not
27 less than 25 micrograms of atropine sulfate per dosage unit;

28 (5) not more than 100 milligrams of opium per 100 milliliters
29 or per 100 grams.

1 Sec. 17.17.090. SCHEDULE VI. (a) A substance shall be placed in
2 Schedule VI if it is found under AS 17.17.020 to have the lowest degree
3 of danger or probable danger.

4 (b) Schedule VI controlled substances include marijuana (slang
5 terms: Acapulco gold, broccoli, bush, dry high, gage, ganga, grass,
6 griffo, hay, hemp, herb, J, Jay, Jane, Mary Jane, mota, mutah, Panama
7 red, pod, pot, reefer, sativa, smoke, stick, tea, weed, stuff, rope,
8 joints, Texas tea, goof butt, jive, sweet lunch, stinkweed, lozowed,
9 mezz, Mary Waner, Indian hay, fu, bobo bush).

10 ARTICLE 2. OFFENSES AND PENALTIES.

11 Sec. 17.17.200. DISTRIBUTING A CONTROLLED SUBSTANCE TO A MINOR.

12 (a) Except as authorized in this chapter, it is unlawful for a person
13 knowingly to distribute a controlled substance to a minor who is three
14 or more years younger than the person.

15 (b) A person who violates this section with respect to

16 (1) a Schedule I controlled substance is guilty of an un-
17 classified felony;

18 (2) a Schedule II controlled substance is guilty of a class A
19 felony;

20 (3) a Schedule III controlled substance is guilty of a class
21 A felony;

22 (4) a Schedule IV controlled substance is guilty of a class B
23 felony;

24 (5) a Schedule V controlled substance is guilty of a class B
25 felony;

26 (6) a Schedule VI controlled substance is guilty of a class B
27 felony.

28 Sec. 17.17.210. MANUFACTURING. ^{a controlled substance} (a) Except as authorized in this
29 chapter, it is unlawful for a person knowingly to manufacture a con-

1 trolled substance.

2 (b) A person who violates this section with respect to

3 (1) a Schedule I controlled substance is guilty of a class A
4 felony;

5 (2) a Schedule II controlled substance is guilty of a class A
6 felony;

7 (3) a Schedule III controlled substance is guilty of a class
8 B felony;

9 (4) a Schedule IV controlled substance is guilty of a class B
10 felony;

11 (5) a Schedule V controlled substance is guilty of a class C
12 felony;

13 (6) a Schedule VI controlled substance is guilty of a class C
14 felony.

15 Sec. 17.17.220. DISTRIBUTING A CONTROLLED SUBSTANCE. (a) Except
16 as authorized in this chapter, it is unlawful for a person knowingly to
17 distribute a controlled substance.

18 (b) A person is guilty of

19 (1) a class A felony if he knowingly distributes a Schedule I
20 controlled substance;

21 (2) a class A felony if he knowingly distributes a Schedule
22 II controlled substance;

23 (3) a class B felony if he knowingly distributes a Schedule
24 III controlled substance;

25 (4) a class C felony if he knowingly distributes a Schedule
26 IV controlled substance;

27 (5) a class C felony if he knowingly distributes a Schedule V
28 controlled substance.

29 Sec. 17.17.230. DISTRIBUTING A SCHEDULE VI CONTROLLED SUBSTANCE.

1 (a) Except as authorized in this chapter, it is unlawful for a person
2 knowingly to distribute a Schedule VI controlled substance.

3 (b) A person is guilty of a class C felony if he violates this
4 section by knowingly distributing one or more preparations, compounds,
5 mixtures, or substances of an aggregate weight of two ounces or more
6 containing a Schedule VI controlled substance.

7 (c) A person is guilty of a class A misdemeanor if he violates
8 this section by knowingly distributing one or more preparations, com-
9 pounds, mixtures, or substances of an aggregate weight of less than two
10 ounces containing a Schedule VI controlled substance. However, in a
11 prosecution under this subsection, it is a defense which reduces the
12 crime to a class B misdemeanor that the preparations, compounds,
13 mixtures, or substances containing a Schedule VI controlled substance
14 were of an aggregate weight of one ounce or less and that the distribu-
15 tion was made for no remuneration to a person 18 years of age or older.
16 As used in this subsection, "defense" has the meaning ascribed to it in
17 AS 11.81.900(b).

18 Sec. 17.17.240. POSSESSION OF CONTROLLED SUBSTANCES. (a) Except
19 as authorized in this chapter, it is unlawful for a person knowingly to
20 possess a Schedule I controlled substance. A person is guilty of

21 (1) a class A felony if he knowingly possesses

22 (A) 100 or more capsules, tablets, ampules, or syrettes
23 containing a Schedule I controlled substance; or

24 (B) one or more preparations, compounds, mixtures, or
25 substances of an aggregate weight of

26 (i) one ounce or more containing heroin or morphine
27 or any of their respective alkaloids or salts; or

28 (ii) two ounces or more containing a Schedule I con-
29 trolled substance other than heroin or morphine or any of their

1 respective alkaloids or salts;

2 (2) a class B felony if he knowingly possesses

3 (A) 50 or more but fewer than 100 capsules, tablets,
4 ampules, or syrettes containing a Schedule I controlled substance;

5 or

6 (B) one or more preparations, compounds, mixtures, or
7 substances of an aggregate weight of

8 (i) one-fourth ounce or more but less than one
9 ounce containing heroin or morphine or any of their respective
10 alkaloids or salts; or

11 (ii) one-half ounce or more but less than two ounces
12 containing a Schedule I controlled substance other than heroin or
13 morphine or any of their respective alkaloids or salts;

14 (3) a class C felony if he knowingly possesses

15 (A) 25 or more but fewer than 50 capsules, tablets,
16 ampules, or syrettes containing a Schedule I controlled substance;

17 or

18 (B) one or more preparations, compounds, mixtures, or
19 substances of an aggregate weight of

20 (i) one-eighth ounce or more but less than one-
21 fourth ounce containing heroin or morphine or any of their respec-
22 tive alkaloids or salts; or

23 (ii) one-fourth ounce or more but less than one-half
24 ounce containing a Schedule I controlled substance other than
25 heroin or morphine or any of their respective alkaloids or salts;

26 (4) a class A misdemeanor if he knowingly possesses a
27 Schedule I controlled substance in a smaller amount than the ranges
28 specified in (3) of this subsection.

29 (b) Except as authorized in this chapter, it is unlawful for a

1 person knowingly to possess a Schedule II controlled substance. A
2 person is guilty of

3 (1) a class A felony if he knowingly possesses

4 (A) 200 or more capsules, tablets, ampules, or syrettes
5 containing a Schedule II controlled substance; or

6 (B) one or more preparations, compounds, mixtures, or
7 substances of an aggregate weight of two ounces or more containing
8 a Schedule II controlled substance;

9 (2) a class B felony if he knowingly possesses

10 (A) 100 or more but fewer than 200 capsules, tablets,
11 ampules, or syrettes containing a Schedule II controlled substance;
12 or

13 (B) one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of one-half ounce or more but
15 less than two ounces containing a Schedule II controlled substance;

16 (3) a class C felony if he knowingly possesses

17 (A) 50 or more but fewer than 100 capsules, tablets,
18 ampules, or syrettes containing a Schedule II controlled substance;
19 or

20 (B) one or more preparations, compounds, mixtures, or
21 substances of an aggregate weight of one-fourth ounce or more but
22 less than one-half ounce containing a Schedule II controlled
23 substance;

24 (4) a class A misdemeanor if he knowingly possesses a
25 Schedule II controlled substance in a smaller amount than the ranges
26 specified in (3) of this subsection.

27 (c) Except as authorized in this chapter, it is unlawful for a
28 person knowingly to possess a Schedule III controlled substance. A
29 person is guilty of

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

(1) a class B felony if he knowingly possesses

(A) 400 or more capsules, tablets, ampules, or syrettes containing a Schedule III controlled substance; or

(B) one or more preparations, compounds, mixtures, or substances of an aggregate weight of two ounces or more containing a Schedule III controlled substance;

(2) a class C felony if he knowingly possesses

(A) 100 or more but fewer than 400 capsules, tablets, ampules, or syrettes containing a Schedule III controlled substance; or

(B) one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-half ounce or more but less than two ounces containing a Schedule III controlled substance;

(3) a class A misdemeanor if he knowingly possesses a Schedule III controlled substance in a smaller amount than the ranges specified in (2) of this subsection.

(d) Except as authorized in this chapter, it is unlawful for a person knowingly to possess a Schedule IV controlled substance. A person is guilty of

(1) a class C felony if he knowingly possesses

(A) 100 or more capsules, tablets, ampules, or syrettes containing a Schedule IV controlled substance; or

(B) one or more preparations, compounds, mixtures, or substances of an aggregate weight of two ounces or more containing a Schedule IV controlled substance;

(2) a class C felony if he knowingly possesses

(A) 100 or more but fewer than 400 capsules, tablets, ampules, or syrettes containing a Schedule IV controlled substance;

1 or

2 (B) one or more preparations, compounds, mixtures, or
3 substances of an aggregate weight of one-half ounce or more but
4 less than two ounces containing a Schedule IV controlled substance;

5 (3) a class A misdemeanor if he knowingly possesses a
6 Schedule IV controlled substance in a smaller amount than the ranges
7 specified in (c) of this section.

8 (e) Except as authorized in this chapter, it is unlawful for a
9 person knowingly to possess a Schedule V controlled substance. A person
10 is guilty of

11 (1) a class C felony if he knowingly possesses

12 (A) 400 or more capsules or tablets containing a
13 Schedule V controlled substance; or

14 (B) one or more preparations, compounds, mixtures, or
15 substances of an aggregate weight of one ounce or more containing a
16 Schedule V controlled substance;

17 (2) a class A misdemeanor if he knowingly possesses a
18 Schedule V controlled substance in a smaller amount than the ranges
19 specified in (1) of this subsection.

20 Sec. 17.17.250. POSSESSION OF A SCHEDULE VI CONTROLLED SUBSTANCE.

21 (a) Except as authorized in this chapter, it is unlawful for a person
22 knowingly to possess a Schedule VI controlled substance.

23 (b) A person who knowingly (1) uses a Schedule VI controlled
24 substance in a public place, (2) possesses more than an ounce of a
25 Schedule VI controlled substance in a public place, (3) possesses any
26 amount of a Schedule VI controlled substance while operating a motor
27 vehicle or airplane, or (4) while under the age of 18 possesses or uses
28 any amount of a Schedule VI controlled substance, is, upon conviction,
29 guilty of a misdemeanor punishable by a fine of not more than \$1,000.

1 (c) A person 18 years of age or older who violates this chapter by
2 possession of any amount of marijuana in other than a public place, when
3 his possession is for his own use, or by possession of one ounce or less
4 of marijuana in a public place, is punishable by a civil fine of not
5 more than \$100. Punishment under this subsection shall be initiated
6 only by civil complaint or citation. The court may establish procedures
7 for payment of fines by mail.

8 (d) In this section, "public place" means a place which is either
9 in public ownership or a place available to public access including
10 public streets, sidewalks, carriers and business establishments.

11 Sec. 17.17.260. FAILURE TO MAKE, KEEP, OR FURNISH REQUIRED INFOR-
12 MATION. (a) Except as authorized in this chapter, it is unlawful for a
13 person knowingly to refuse or fail to make, keep, or furnish a record,
14 notification, order form, statement, invoice, or information required
15 under this chapter.

16 (b) A person who violates this section is guilty of a class B
17 misdemeanor.

18 Sec. 17.17.270. MISCELLANEOUS OFFENSES. (a) Except as authorized
19 in this chapter, it is unlawful for a person

20 (1) knowingly to keep or maintain in a store, shop, warehouse,
21 dwelling, building, vehicle, vessel, aircraft, or other structure or
22 place which is used for keeping or selling controlled substances in
23 violation of this chapter;

24 (2) to use in the course of the manufacture or distribution
25 of a controlled substance a registration number which is fictitious,
26 revoked, suspended, or issued to another person;

27 (3) to obtain possession of a controlled substance by mis-
28 representation, fraud, forgery, or other deception;

29 (4) to make, distribute, or possess a punch, die, plate,

1 stone, or other thing designed to print, imprint, or reproduce the
2 trademark, trade name, or other identifying mark, imprint, or device of
3 another or any likeness of any of the foregoing upon a drug or container
4 or labeling so as to render a drug a counterfeit substance;

5 (5) to furnish false or fraudulent material information in,
6 or omit material information from, an application, report, record, or
7 other document required to be kept or filed under this chapter.

8 (b) A person who violates this section is guilty of a class C
9 felony.

10 Sec. 17.17.280. OFFENSES DEFINED BY AMOUNTS. Whenever a provision
11 of this chapter defining an offense requires a determination of an
12 amount, it is not a defense to the lowest class of offense established
13 by the evidence that the amount in question was larger than the amount
14 which would make the offense a higher class of offense, and a person may
15 be charged and convicted accordingly.

16 Sec. 17.17.290. PENALTIES UNDER OTHER LAWS. A penalty imposed for
17 a violation of this chapter is in addition to, and not in place of, a
18 civil or administrative penalty or sanction otherwise authorized by law.

19 ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION,
20 AND DISPENSING OF CONTROLLED SUBSTANCES.

21 Sec. 17.17.550. REGULATIONS. The commissioner shall adopt regu-
22 lations under the Administrative Procedure Act (AS 44.62) which are
23 necessary for the administration of AS 17.17.550 - 17.17.610 and may
24 charge reasonable fees relating to the registration and control of the
25 manufacture, distribution, and dispensing of controlled substances in
26 this state.

27 Sec. 17.17.560. REGISTRATION REQUIREMENTS. (a) A person who
28 manufactures, distributes, or dispenses a controlled substance in this
29 state or who proposes to engage in the manufacture, distribution, or

1 dispensing of a controlled substance in this state, shall annually
2 register with the commissioner in accordance with regulations adopted
3 under AS 17.17.550.

4 (b) A person registered by the commissioner under AS 17.17.550 -
5 17.17.610 to manufacture, distribute, or dispense controlled substances,
6 including any such activity in the conduct of research, may possess,
7 manufacture, distribute, or dispense those substances to the extent
8 authorized by his registration and in conformity with the other pro-
9 visions of AS 17.17.550 - 17.17.610.

10 (c) The following persons need not register and may lawfully
11 possess controlled substances under this chapter:

12 (1) an agent or employee of a registered manufacturer, dis-
13 tributor, or dispenser of a controlled substance if the possession is
14 incidental to the agent's or employee's acting in the usual course of
15 business or employment;

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

19 (3) a person in possession of a controlled substance under an
20 order of a registered practitioner.

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

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

27 (f) The commissioner may inspect the establishment of a registrant
28 or applicant for registration in accordance with his regulations.

29 Sec. 17.17.570. REGISTRATION. (a) The commissioner shall

1 register an applicant to manufacture, distribute, or dispense controlled
2 substances included in the schedules in AS 17.17.040 - 17.17.090 unless
3 he finds that the registration would be inconsistent with the public
4 interest. In determining the public interest, the commissioner shall
5 consider

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

9 (2) compliance with applicable state and local law;

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

12 (4) past experience in the manufacture or distribution of
13 controlled substances, and the existence in the applicant's establish-
14 ment of effective controls against diversion;

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

17 (6) suspension or revocation of the applicant's federal
18 registration to manufacture, distribute, or dispense controlled sub-
19 stances as authorized by federal law; and

20 (7) any other factors relevant to the public health and
21 safety.

22 (b) A practitioner registered under federal law to manufacture,
23 distribute, or dispense controlled substances is exempt from regis-
24 tration under this section.

25 Sec. 17.17.580. REVOCATION AND SUSPENSION OF REGISTRATION. (a) A
26 registration under AS 17.17.570 to manufacture, distribute, or dispense
27 a controlled substance may be suspended or revoked by the commissioner
28 upon a finding that the registrant

29 (1) has furnished false or fraudulent material information in

1 an application filed under this chapter,

2 (2) has been convicted of a felony under state or federal law
3 relating to a controlled substance; or

4 (3) has had his federal registration to manufacture, dis-
5 tribute, or dispense controlled substances suspended or revoked.

6 (b) The commissioner may limit the revocation or suspension of a
7 registration to the particular controlled substance with respect to
8 which grounds for revocation or suspension exist.

9 (c) If the commissioner suspends or revokes a registration, all
10 controlled substances owned or possessed by the registrant at the time
11 of suspension or the effective date of the revocation order may be
12 placed under seal. A disposition may not be made of substances under
13 seal until the time for taking an appeal has elapsed or until all
14 appeals have been concluded unless a court, upon application, orders the
15 sale of perishable substances and the deposit of the proceeds of the
16 sale with the court. Upon a revocation order becoming final, all
17 controlled substances are forfeited to the state.

18 (d) The commissioner shall promptly notify the Drug Enforcement
19 Administration of all orders suspending or revoking registration and all
20 forfeitures of controlled substances.

21 Sec. 17.17.590. ORDER TO SHOW CAUSE. (a) Before denying, sus-
22 pending or revoking a registration, or refusing a renewal of registra-
23 tion, the commissioner shall serve upon the applicant or registrant an
24 order to show cause why registration should not be denied, revoked, or
25 suspended, or why the renewal should not be refused. The order to show
26 cause shall contain a statement of the basis for it and shall call upon
27 the applicant or registrant to appear before the commissioner at a time
28 and place not less than 30 days after the date of the service of the
29 order, but in the case of a refusal of renewal of registration the show

1 cause order shall be served not later than 30 days before the expiration
2 of the registration. These proceedings shall be conducted under the
3 administrative adjudication provisions of the Administrative Procedure
4 Act (AS 44.62.330 - 44.62.630) without regard to criminal prosecution or
5 other proceeding. Proceedings to refuse renewal of registration do not
6 abate the existing registration, which remains in effect pending the
7 outcome of the administrative hearing.

8 (b) The commissioner may, without an order to show cause, suspend
9 a registration simultaneously with the institution of proceedings under
10 AS 17.17.580 if he finds that there is an imminent danger to the public
11 health or safety which warrants this action. The suspension shall
12 continue in effect until the conclusion of the proceedings, including
13 judicial review of the proceedings, unless sooner withdrawn by the
14 commissioner or dissolved by a court of competent jurisdiction.

15 Sec. 17.17.600. RECORDS OF REGISTRANTS. A person registered to
16 manufacture, distribute, or dispense controlled substances under this
17 chapter shall keep records and maintain inventories in conformance with
18 the record-keeping and inventory requirements of federal law and with
19 additional regulations the commissioner may adopt.

20 Sec. 17.17.610. ORDER FORMS; PRESCRIPTIONS. (a) A controlled
21 substance may be distributed by one registrant to another registrant
22 only if the distribution is in accordance with federal requirements for
23 order forms.

24 (b) A controlled substance may not be dispensed by a practitioner
25 except in accordance with federal requirements regarding prescriptions
26 for controlled substances; however, a controlled substance may be dis-
27 pensed directly by a practitioner, other than a pharmacist, to an ulti-
28 mate user without a prescription.

29 ARTICLE 4. ENFORCEMENT AND ADMINISTRATION.

1 Sec. 17.17.750. ENFORCEMENT COOPERATION. It is the duty of the
2 commissioner of public safety, officers of the division of state
3 troopers, officers appointed to enforce criminal law in this state or
4 another state, local government law enforcement officers, the attorney
5 general, and all prosecuting attorneys to enforce all provisions of this
6 chapter and to cooperate with agencies charged with enforcement of the
7 laws relating to controlled substances of the United States, of this
8 state, and of all other states.

9 Sec. 17.17.760. FORFEITURES. (a) The following are subject to
10 forfeiture:

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

13 (2) raw materials, products, and equipment which are used in
14 manufacturing or distributing a controlled substance in violation of
15 this chapter;

16 (3) property which is used as a container for property des-
17 cribed in (1) or (2) of this subsection;

18 (4) conveyances, including aircraft, vehicles, or vessels
19 which are used to transport or in any manner to facilitate transporta-
20 tion of property described in (1) or (2) of this subsection for the
21 purpose of sale or receipt, except

22 (A) a conveyance is not subject to forfeiture under this
23 section if its use in violation of this chapter was committed by a
24 person other than the owner of the conveyance and the owner was not
25 privy to the violation;

26 (B) a forfeiture of a conveyance encumbered by a bona
27 fide security interest at the time of seizure is subject to the
28 interest of the secured party if its use in violation of this
29 chapter was committed by a person other than the secured party and

1 the secured party was not privy to the violation;

2 (5) all books, records, and research products and materials,
3 including formulas, microfilm, tapes, and data which are used in viola-
4 tion of this chapter.

5 (b) Property listed in (a) of this section may be forfeited to the
6 state upon conviction of the defendant of a violation of this chapter or
7 upon judgment of a court of competent jurisdiction in a civil proceeding
8 in rem that an item is subject to forfeiture.

9 (c) Property subject to forfeiture under this section may be
10 seized by the commissioner of public safety upon an order issued by the
11 court having jurisdiction over the property upon a showing of probable
12 cause that the property is subject to forfeiture. Seizure without a
13 court order may be made if

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

16 (2) the property subject to seizure has been the subject of a
17 prior judgment in favor of the state in a criminal proceeding or a civil
18 proceeding in rem based upon this chapter;

19 (3) there is probable cause that the property was or is being
20 used in violation of this chapter and the property is easily movable.

21 (d) Property seized under (c)(3) of this section may not be held
22 over 48 hours or until an order may be applied for and issued by a
23 court, whichever is earlier.

24 (e) Property seized or detained under this section is in the
25 custody of the Department of Public Safety subject only to the orders
26 and decrees of the court having jurisdiction over the forfeiture pro-
27 ceedings. If property is seized under this section, the Department of
28 Public Safety may

29 (1) place the property under seal;

1 (2) remove the property to a place designated by the court;
2 or

3 (3) take custody of the property and remove it to an appro-
4 priate location for disposition in accordance with law.

5 (f) Property forfeited under this section shall be disposed of
6 according to court order. The court may order the Department of Public
7 Safety to

8 (1) destroy property harmful to the public;

9 (2) sell the property and use the proceeds for payment of all
10 proper expenses of the proceedings for forfeiture and sale, including
11 expenses of seizure and custody and court costs;

12 (3) take custody of the property and use it in the enforce-
13 ment of this chapter or transfer it to another agency of the state for a
14 use designated by the court in furtherance of the administration of
15 justice;

16 (4) take custody of the property and remove it for disposi-
17 tion in accordance with law; or

18 (5) forward it to the Drug Enforcement Administration for
19 disposition.

20 (g) For purposes of this section, an attempt under AS 11.31.100 or
21 a solicitation under AS 11.31.110 to commit a crime defined by this
22 chapter is considered a violation of this chapter.

23 Sec. 17.17.770. BURDEN OF PROOF; LIABILITIES. (a) It is not
24 necessary for the state to negate an exemption or exception in this
25 chapter in a complaint, information, indictment, or other pleading under
26 this chapter. However, once a person asserts an exemption or exception
27 under this chapter, the burden is upon the state to disprove the exis-
28 tence of the exemption or exception by clear and convincing evidence.

29 (b) In a civil proceeding in rem under AS 17.17.760, the burden is

1 upon the state to prove by clear and convincing evidence that the item
2 in question is subject to forfeiture.

3 (c) Liability is not imposed by this chapter upon an authorized
4 state or local officer engaged in the lawful performance of his duties.

5 Sec. 17.17.780. EDUCATION AND RESEARCH. (a) The commissioner
6 shall carry out educational programs designed to prevent and deter abuse
7 of controlled substances. In connection with these programs, the com-
8 missioner may

9 (1) promote better recognition of the problems of abuse of
10 controlled substances within the regulated industry and among interested
11 groups and organizations;

12 (2) assist the regulated industry and interested groups and
13 organizations in contributing to the reduction of abuse of controlled
14 substances;

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

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

20 (5) disseminate the results of research on abuse of con-
21 trolled substances to promote a better public understanding of the
22 problems which exist and their solutions; and

23 (6) assist in the education and training of state and local
24 law enforcement officials in their efforts to prevent abuse of con-
25 trolled substances.

26 (b) The commissioner shall encourage research on controlled sub-
27 stances and may

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

- 1 (2) undertake research to
2 (A) develop new or improved approaches, techniques,
3 systems, equipment, and devices to strengthen the enforcement of
4 this chapter;
5 (B) determine patterns of abuse of controlled substances
6 and their social effects;
7 (C) improve methods for preventing, predicting, and
8 understanding the abuse of controlled substances;
9 (3) enter into contracts with public agencies, institutions
10 of higher education, and organizations or individuals for conducting
11 research on abuse of controlled substances and for performing related
12 educational activities.

13 ARTICLE 5. GENERAL PROVISIONS.

14 Sec. 17.17.900. DEFINITIONS. As used in this chapter, unless the
15 context requires otherwise,

16 (1) "administer" means the direct application of a controlled
17 substance, whether by injection, inhalation, ingestion, or any other
18 means, to the body of a patient or research subject by

19 (A) a practitioner or, in his presence, by his autho-
20 rized agent, or

21 (B) the patient or research subject at the direction and
22 in the presence of a practitioner;

23 (2) "agent" means an authorized person who acts on behalf of
24 or at the direction of a manufacturer, distributor, or dispenser;
25 "agent" does not include a common or contract carrier, public warehouse-
26 man, or employee of the carrier or warehouseman;

27 (3) "commissioner" means the commissioner of health and
28 social services;

29 (4) "committee" means the Controlled Substances Advisory

1 Committee;

2 (5) "controlled substance" means a drug, substance, or
3 immediate precursor included within any of the schedules in AS 17.17.-
4 040 - 17.17.090;

5 (6) "counterfeit substance" means a controlled substance
6 which, or the container or labeling of which, without authorization,
7 bears the trademark, trade name, or other identifying mark, imprint,
8 number, or device, or any likeness to it, of a manufacturer, distribu-
9 tor, or dispenser other than the person who in fact manufactured, dis-
10 tributed, or dispensed the substance;

11 (7) "deliver" or "delivery" means the actual, constructive,
12 or attempted transfer from one person to another of a controlled sub-
13 stance, whether or not there is an agency relationship;

14 (8) "dentist" means a person authorized by law to practice
15 dentistry in this state;

16 (9) "dispense" means to deliver a controlled substance to an
17 ultimate user or research subject by a practitioner, including the
18 prescribing, administering, packaging, labeling, or compounding neces-
19 sary to prepare the substance for that delivery;

20 (10) "distribute" means to deliver, other than by administer-
21 ing or dispensing, a controlled substance;

22 (11) "drug"

23 (A) means

24 (i) substances recognized as drugs in the official
25 United States Pharmacopoeia, official Homeopathic Pharma-
26 copoeia of the United States, or official National Formulary,
27 or any supplement to any of them;

28 (ii) substances intended for use in the diagnosis,
29 cure, mitigation, treatment, or prevention of disease in

1 humans or animals;

2 (iii) substances, other than food, intended to affect
3 the structure or any function of the body of humans or
4 animals; and

5 (iv) substances intended for use as a component of
6 any article specified in (i), (ii), or (iii) of this subpara-
7 graph;

8 (B) does not include devices or their components, parts,
9 or accessories;

10 (12) "hashish" means the resin produced by the plant (genus)
11 Cannabis;

12 (13) "hashish oil" means the viscous liquid concentrate of
13 tetrahydrocannabinols extracted from hashish;

14 (14) "immediate precursor" means a substance which the Con-
15 trolled Substances Advisory Committee has found to be and is by regula-
16 tion designated as the principal compound commonly used or produced
17 primarily for use, and which is an immediate chemical intermediary used
18 or likely to be used, in the manufacture of a controlled substance, the
19 control of which is necessary to prevent, curtail, or limit manufacture;

20 (15) "manufacture" means the production, preparation, pro-
21 pagation, compounding, conversion, or processing of a controlled sub-
22 stance, either directly or indirectly by extraction from substances of
23 natural origin or independently by means of chemical synthesis, or by a
24 combination of extraction and chemical synthesis, and includes any
25 packaging or repackaging of the substance or labeling or relabeling of
26 its container, except that this term does not include the preparation or
27 compounding of a controlled substance by an individual for his own use
28 or the preparation, compounding, packaging, or labeling of a controlled
29 substance

1 (A) by a practitioner as an incident to his administer-
2 ing or dispensing a controlled substance in the course of his
3 professional practice, or

4 (B) by a practitioner, or by his authorized agent under
5 his supervision, for the purpose of, or as an incident to,
6 research, teaching, or chemical analysis and not for sale;

7 (16) "marijuana" means the leaves, stems, flowers, and seeds
8 of the plant (genus) Cannabis, whether growing or not, but does not
9 include the resin or oil extracted from any part of the plant, or any
10 compound, manufacture, salt, derivative, mixture, or preparation from
11 the resin or oil, including hashish and natural or synthetic tetrahydro-
12 cannabinol; it does not include the mature stalks of the plant, fiber
13 produced from the stalks, oil or cake made from the seeds of the plant,
14 any other compound, manufacture, salt, derivative, mixture, or prepara-
15 tion of the mature stalks, fiber, oil or cake, or the sterilized seed of
16 the plant which is incapable of germination;

17 (17) "minor" means a person who is under 18 years of age;

18 (18) "opiate" means a substance having an addiction-forming or
19 addiction-sustaining liability similar to morphine or being capable of
20 conversion into a drug having addiction-forming or addiction-sustaining
21 liability; it does not include, unless specifically designated as con-
22 trolled under AS 17.17.020, the dextrorotatory isomer of 3-methoxy-n-
23 methylmorphinan and its salts (dextromethorphan); it does include its
24 racemic and levorotatory forms;

25 (19) "opium poppy" means the plant of the species Papaver
26 somniferum L., except its seeds;

27 (20) "poppy straw" means all parts, except the seeds, of the
28 opium poppy, after mowing;

29 (21) "practitioner" means

1 (A) a physician, dentist, veterinarian, scientific
2 investigator, or other person licensed, registered, or otherwise
3 permitted to distribute, dispense, conduct research with respect
4 to, or administer a controlled substance in the course of pro-
5 fessional practice or research in this state;

6 (B) a pharmacy, hospital, or other institution licensed,
7 registered, or otherwise permitted to distribute, dispense, conduct
8 research with respect to, or administer a controlled substance in
9 the course of professional practice or research in this state;

10 (22) "production" includes the manufacture, planting, cultiva-
11 tion, growing, or harvesting of a controlled substance;

12 (23) "ultimate user" means a person who lawfully possesses a
13 controlled substance for his own use, for the use of a member of his
14 household, or for administering to an animal owned by him or a member of
15 his household.

16 Sec. 17.17.990. SHORT TITLE. This chapter may be cited as the
17 Controlled Substances Act.

18 * Sec. 2. AS 08.64.380(3)(B) is amended to read:

19 (B) habitual overuse of alcoholic beverages or con-
20 trolled substances as defined in AS 17.17 [DEPRESSANT, HALLUCINO-
21 GENIC OR STIMULANT DRUGS, AS DEFINED IN AS 17.12.150(3), OR ADDIC-
22 TION TO THE USE OF NARCOTIC DRUGS AS DEFINED IN AS 17.10.230(13)];

23 * Sec. 3. AS 08.80.470 is amended to read:

24 Sec. 08.80.470. CONSTRUCTION. Nothing in this chapter amends,
25 modifies, repeals or otherwise changes any provision of the Controlled
26 Substances Act (AS 17.17) [UNIFORM NARCOTIC DRUG ACT (AS 17.10)] or the
27 Alaska Food, Drug and Cosmetic Act (AS 17.20).

28 * Sec. 4. AS 12.30.040(b) is amended to read:

29 (b) Notwithstanding the provisions of (a) of this section, if the

1 offense a person has been convicted of is murder in the first degree
2 (as defined in AS 11.41.100), kidnapping (as defined in AS 11.41.300),
3 sexual assault in the first degree (as defined in AS 11.41.410(a)(1)
4 and (2)), robbery in the first degree (as defined in AS 11.41.500), or
5 distributing a Schedule I controlled substance to a minor (as defined
6 in AS 17.17.200(b)(1)), or an offense that involves the manufacture,
7 distribution, or possession with intent to manufacture or distribute
8 a Schedule I or II controlled substance in violation of AS 17.17.-
9 210.(b)(1) and (2) or 17.17.220(b)(1) and (2) under circumstances mani-
10 festing an intent to distribute the substance as part of a commercial
11 enterprise [FIRST DEGREE MURDER, ARMED ROBBERY, KIDNAPPING, OR RAPE (AS
12 DEFINED IN AS 11.15.130)], he may not be released on bail either before
13 sentencing or pending appeal.

14 * Sec. 5. AS 12.45 is amended by adding a new section to read:

15 Sec. 12.45.155. LABORATORY REPORT OF CONTROLLED SUBSTANCE. (a)
16 In a prosecution under AS 17.17.200 - 17.17.250, a complete copy of an
17 official laboratory report from the Department of Public Safety or a
18 laboratory operated by another law enforcement agency is prima facie
19 evidence of the content, identity, and weight of the substance. The
20 report must be signed by the person performing the analysis and must
21 state that the substance which is the basis of the alleged offense has
22 been weighed and analyzed. It must also state with specificity findings
23 as to the content, weight, and identity of the substance.

24 (b) A notarized statement executed by the signer of the report
25 provided for in (a) of this section must be attached to the report. The
26 statement must set out the identity of the signer and include a state-
27 ment that he is an employee of the laboratory issuing the report and
28 that performing the analysis is a part of his regular duties. The
29 statement must also include an outline of his education, training, and

1 experience for performing an analysis. The signer shall attest that
2 scientifically accepted tests were performed with due caution, and that
3 the evidence was handled in accordance with established and accepted
4 procedures while in the custody of the laboratory.

5 (c) The prosecuting attorney shall serve a copy of the report on
6 the attorney of record for the accused, or on the defendant if he has no
7 attorney, no later than 10 days before a proceeding in which the report
8 is to be used against the accused. However, at a preliminary hearing or
9 grand jury proceeding the report may be used without having been pre-
10 viously served upon the accused.

11 (d) The accused or his attorney may demand the testimony of the
12 person signing the report, by serving a written demand showing cause,
13 upon the prosecuting attorney within seven days from receipt of the
14 report.

15 (e) A report issued for use under this section must contain notice
16 of the right of the accused to demand the testimony of the person
17 signing the report.

18 * Sec. 6. AS 12.55.035(b)(1) is amended to read:

19 (1) \$75,000 for murder in the first or second degree, [OR]
20 kidnapping, or distributing a Schedule I controlled substance to a minor
21 as defined in AS 17.17.200(b)(1);

22 * Sec. 7. AS 12.55.125(b) is amended to read:

23 (b) A defendant convicted of murder in the second degree, [OR]
24 kidnapping, or distributing a Schedule I controlled substance to a
25 minor as defined in AS 17.17.200(b)(1) shall be sentenced to a definite
26 term of imprisonment of at least five years but not more than 99 years.

27 * Sec. 8. AS 12.55.155(c) is amended by adding new paragraphs to read:

28 (15) the defendant is convicted of an offense specified in
29 AS 17.17 and the offense involved the delivery of a controlled substance

1 under circumstances manifesting an intent to distribute the substance as
2 part of a commercial enterprise;

3 (16) the defendant is convicted of an offense specified in
4 AS 17.17 and the offense involved the smuggling of a controlled sub-
5 stance into the state;

6 (17) the defendant is convicted of an offense specified in
7 AS 17.17 and the offense involved the distribution of a controlled
8 substance that had been adulterated with a toxic substance.

9 * Sec. 9. AS 12.55.155(d) is amended by adding new paragraphs to read:

10 (13) the defendant is convicted of an offense specified in
11 AS 17.17 and the offense involved small quantities of a controlled
12 substance;

13 (14) the defendant is convicted of an offense specified in
14 AS 17.17 and the offense involved the distribution of a controlled
15 substance, other than a Schedule I controlled substance, to a personal
16 acquaintance who is 18 years of age or older for no profit;

17 (15) the defendant is convicted of an offense specified in
18 AS 17.17 and the offense involved the possession of a small amount of a
19 controlled substance for personal use in the defendant's home.

20 * Sec. 10. AS 44.29.020 is amended to read:

21 Sec. 44.29.020. DUTIES OF DEPARTMENT. The Department of Health
22 and Social Services shall administer the state programs of public health
23 and social services, including: (1) maternal and child health services;
24 (2) preventive medical services; (3) public health nursing services; (4)
25 sanitation and engineering services; (5) nutrition services; (6) health
26 education; (7) laboratories; (8) mental health treatment and diagnosis;
27 (9) management of state institutions; (10) medical facilities; (11) old
28 age assistance; (12) aid to dependent children; (13) aid to the blind;
29 (14) child welfare services; (15) general relief; (16) licensing and

1 supervision of child care facilities; [AND] (17) probation and parole
2 supervision; and (18) control of drug abuse in accordance with AS 17.17.

3 * Sec. 11. (a) Prosecution for a violation of law occurring before the
4 effective date of this Act is not affected or abated by this Act. If the
5 offense being prosecuted is similar to one defined in AS 17.17, then the
6 penalties under AS 17.17 apply if they are less than those under the prior
7 law.

8 (b) Civil seizures or forfeitures and injunctive proceedings begun
9 before the effective date of this Act are not affected by this Act.

10 (c) Administrative proceedings pending under laws which are superseded
11 by this Act shall be continued and brought to a final determination in ac-
12 cordance with the laws in effect before the effective date of this Act.

13 (d) The commissioner of health and social services shall permit a
14 person who owns or operates an establishment engaged in the manufacture,
15 distribution, or dispensing of a controlled substance on or before the effec-
16 tive date of this Act and who is registered or licensed by the state to
17 register under AS 17.17.

18 (e) This Act applies to violations of law, seizures and forfeitures,
19 injunctive proceedings, administrative proceedings, and investigations which
20 occur on or after the effective date of this Act.

21 * Sec. 12. Orders issued and regulations adopted under a law affected by
22 this Act and in effect on the effective date of this Act and not in conflict
23 with this Act continue in effect until modified, superseded, or repealed.

24 * Sec. 13. AS 17.10; AS 17.12; and AS 17.15 are repealed.
25
26
27
28
29

AS MR HICKEY SAID, HE HAS BEEN WORKING WITH THE SECRETARY AND PRESIDENT OF THE BOARD OF PHARMACY OVER THE WEEKEND, AND SINCE I ASSUME THAT THE RESULTS ARE INCORPORATED IN THE MATERIAL HE HAS JUST HANDED OUT, MY TESTIMONY WILL BE BRIEF.

WE FEEL THAT THE CRIMINAL PORTIONS OF THE BILL SHOULD BE MOVED TO CHAPTER 11, AND THE MEDICAL PORTIONS SHOULD REMAIN IN CHAPTER 17.

WE RECOMMEND THAT ~~EXIST~~ ARTICLE 3 BE CHANGED TO READ: THE STATE BOARD OF PHARMACY SHALL ADMINISTER THIS CHAPTER AND CONTROLLED SUBSTANCES SCHEDULES FOR LEGITIMATE MEDICAL PROFESSIONALS WHO QUALIFY UNDER FEDERAL REGISTRATION REQUIREMENTS SHALL BE THE FEDERAL UNIFORM CONTROLLED SUBSTANCE ACT OF 1970 WITH AMENDMENTS. IF ANY SUBSTANCE IS DESIGNATED, RESCHEDULED OR DELETED AS A CONTROLLED SUBSTANCE UNDER FEDERAL LAW AND NOTICE THEREOF IS GIVEN TO THE BOARD, THE SUBSTANCE SHALL BE SIMILARLY CONTROLLED UNDER THIS CHAPTER AFTER EXPIRATION OF 30 DAYS FROM PUBLICATION IN THE FEDERAL REGISTER OF A FINAL ORDER DESIGNATING A SUBSTANCE AS A CONTROLLED SUBSTANCE OR RESCHEDULING OR DELETING A SUBSTANCE.

THIS DOES NOT EXTEND TO DISTILLED SPIRITS OR TOBACCO.

EXCEPTION: PROVIDED THAT A PROFESSIONAL PRACTITIONER LICENSED IN ALASKA UNDER THE PROFESSIONAL LICENSING ACTS SHALL NOT BE REQUIRED TO BE REGISTERED UNDER THIS CHAPTER ALSO UNLESS SPECIFIC EXEMPTION IS DENIED UNDER ADMINISTRATIVE PROCEDURES ACT FOR VIOLATION OF ANY PROVISIONS OF THIS CHAPTER.

Introduced: 4/26/79
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY PARR

2 HOUSE BILL NO. 479

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act revising the drug laws of the state." *for prosecution*

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

8 * Section 1. AS ¹¹~~17~~ is amended by adding a new chapter to read:

9 CHAPTER ¹¹~~17~~. *Alaska* CONTROLLED SUBSTANCES ACT.

10 ARTICLE 1. STANDARDS AND PROCEDURES.

11 Sec. ¹¹~~17~~.010. CONTROLLED SUBSTANCES ADVISORY COMMITTEE. (a)

12 There is created within the Department of Law the Controlled Substances
13 Advisory Committee, composed of

- 14 (1) the attorney general or his designee;
- 15 (2) the commissioner of health and social services or his
16 designee;
- 17 (3) the commissioner of public safety or his designee;
- 18 (4) a pharmacist appointed by the governor;
- 19 (5) an attorney experienced in criminal defense appointed by
20 the governor.

21 (b) The attorney general, the commissioner of health and social
22 services, and the commissioner of public safety serve ex officio. The
23 members appointed by the governor serve terms of four years and until
24 their successors are appointed and qualify, except that the attorney
25 initially appointed under (a)(5) of this section serves a term of three
26 years and until his successor is appointed and qualifies.

27 (c) The members receive no compensation for their service on the
28 committee but are entitled to travel expenses and per diem under AS 39.-
29 20.180.

1 (d) The committee shall meet at the call of the attorney general.
2 Three members constitute a quorum. The committee may adopt bylaws for
3 its proceedings.

4 Sec. ¹¹~~17.17.020~~. AUTHORITY TO SCHEDULE CONTROLLED SUBSTANCES. (a)
5 The Controlled Substances Advisory Committee may adopt regulations under
6 the Administrative Procedure Act (AS 44.62) which add, delete, or re-
7 schedule substances in the ^{Alaska}schedules in AS ¹¹~~17.17.040 - 17.17.090~~. The
8 committee shall prescribe the effective date of a regulation adopted
9 under this section. This date may not be sooner than the 56th day of
10 the next regular session of the legislature following adoption of the
11 regulation. Within 10 days after the convening of a regular session of
12 the legislature, the committee shall submit to the legislature the
13 regulations adopted under this section which have not taken effect and
14 shall submit findings of fact and other information which it considers
15 appropriate. Notwithstanding AS 44.62.320, a regulation adopted under
16 this section may not be annulled by resolution. A regulation adopted
17 under this section which is annulled by statute may not be readopted
18 within three years after its annulment.

19 (b) If a substance is added, deleted, or rescheduled as a con-
20 trolled substance under federal law and notice of the designation is
21 given to the Department of Law, the committee shall give notice under
22 AS 44.62.190 of proposed adoption of a regulation making a corresponding
23 change in Alaska law and shall hold a hearing under AS 44.62.210. If
24 the committee decides not to adopt the regulation, it shall file a
25 notice of that decision and findings of fact with the lieutenant gover-
26 nor.

27 (c) In making a determination regarding the addition, deletion, or
28 rescheduling of a substance under this section, the committee shall
29 assess the danger or probable danger of the substance after considering

1 (1) the actual or probable abuse of the substance, including
2 (A) its history and current pattern of abuse;
3 (B) the scope, duration, and significance of abuse; and
4 (C) the degree of actual or probable detriment which may
5 result from the abuse of the substance;

6 (2) the biomedical hazard of the substance, including
7 (A) its pharmacology: the effects and modifiers of
8 effects of the substance;

9 (B) its toxicology: the acute and chronic toxicity,
10 interaction with other substances, whether controlled or not, and
11 liability to form or sustain psychological or physiological depen-
12 dence;

13 (C) the risk to public health and particular susceptibil-
14 ity of segments of the population; and

15 (D) the existence of therapeutic alternatives for sub-
16 stances which are or may be used for medical purposes;

17 (3) the probable physical and social impact of widespread
18 abuse of the substance;

19 (4) whether the substance is an immediate precursor of a
20 substance already controlled under this chapter;

21 (5) the current state of scientific knowledge regarding the
22 substance.

23 (d) If the committee designates a substance as an immediate pre-
24 cursor, substances which are precursors of the controlled precursor are
25 not subject to control solely because they are precursors of the con-
26 trolled precursor.

27 (e) The committee has no authority over tobacco or over intoxica-
28 ting liquor as defined in AS 04.20.010.

29 Sec. ~~17.17.030~~^{//} NOMENCLATURE. The controlled substances listed

1 in the schedules in AS ~~17.17.040~~¹¹ 17.17.090 or the regulations adopted
2 under this chapter are included by whatever official, common, usual,
3 chemical, or trade name designated. In some instances, slang terms are
4 listed after a controlled substance. In a prosecution or other proceed-
5 ing under this chapter, it is not a defense and it is immaterial that a
6 slang term is listed after more than one controlled substance, that a
7 slang term listed after a controlled substance is inaccurately applied
8 to that controlled substance, that no slang term is listed after a
9 controlled substance, or that slang terms other than those listed apply
10 in fact to a controlled substance.

11 Sec. ~~17.17.040~~¹¹. SCHEDULE ~~A~~ (a) A substance shall be placed in
12 Schedule I if it is found under AS ~~17.17.020~~ to have the highest degree
13 of danger or probable danger.

14 (b) Unless specifically excepted or unless listed in another
15 schedule, Schedule I controlled substances include any material compound
16 which contains any quantity of a substance listed in this subsection,
17 including its salts, its isomers, (whether optical, position, or geo-
18 metric), and the salts of its isomers whenever the existence of those
19 salts, isomers, or salts of isomers is possible within the specific
20 chemical designation, regardless of whether the listed substance is
21 produced directly or indirectly by extraction from substances of vege-
22 table origin or independently by means of chemical synthesis or by a
23 combination of extraction and chemical synthesis:

24 (1) opium and opiate, and any salt, compound, derivative, or
25 preparation of opium or opiate, excluding apomorphine, dextrorphan,
26 nalbuphine, naloxone, and naltrexone, and their respective salts, but
27 including the following:

28 (A) raw opium (slang terms: op, pen yan, hop, tar,
29 black stuff);

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

- (B) opium extracts;
- (C) opium fluid extracts;
- (D) powdered opium;
- (E) granulated opium;
- (F) tincture of opium;
- (G) codeine (slang term: school boy);
- (H) ethylmorphine;
- (I) etorphine hydrochloride;
- (J) hydrocodone;
- (K) hydromorphone;
- (L) metopon;
- (M) morphine (slang terms: cube, first line, hocus, Miss Emma, morph, morpho, morphy, mud, white stuff, hard stuff, M, unkle);
- (N) oxycodone;
- (O) oxymorphone;
- (P) thebaine;

(2) any salt, compound, derivative, or preparation of these which is chemically equivalent or identical with any of the substances referred to in (1) of this subsection, except that these substances do not include the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) concentrate of poppy straw (the crude extract of poppy straw in liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy);

- (5) acetylmethadol;
- (6) allylprodine;
- (7) alphacetylmethadol;
- (8) alphameprodine;

- 1 (9) alphamethadol;
- 2 (10) benzethidine;
- 3 (11) betacetylmethadol;
- 4 (12) betameprodine;
- 5 (13) betamethadol;
- 6 (14) betaprodine;
- 7 (15) clonitazene;
- 8 (16) dextromoramide;
- 9 (17) diampromide;
- 10 (18) diethylthiambutene;
- 11 (19) difenoxin;
- 12 (20) dimenoxadol;
- 13 (21) dimepheptanol;
- 14 (22) dimethylthiambutene;
- 15 (23) dioxaphetyl butyrate;
- 16 (24) dipipanone;
- 17 (25) ethylmethylthiambutene;
- 18 (26) etonitazene;
- 19 (27) etoxeridine;
- 20 (28) furethidine;
- 21 (29) hydroxpethidine;
- 22 (30) ketobemidone;
- 23 (31) levomoramide;
- 24 (32) levophenacymorphan;
- 25 (33) morpheridine;
- 26 (34) noracymethadol;
- 27 (35) norlevorphanol;
- 28 (36) normethadone;
- 29 (37) norpipanone;

- 1 (38) phenadoxone;
- 2 (39) phenampromide;
- 3 (40) phenomorphan;
- 4 (41) phenoperidine;
- 5 (42) piritramide;
- 6 (43) proheptazine;
- 7 (44) properidine;
- 8 (45) propiram;
- 9 (46) racemoramide;
- 10 (47) trimeperidine;
- 11 (48) acetorphine;
- 12 (49) acetyldihydrocodeine;
- 13 (50) benzylmorphine;
- 14 (51) codeine methylbromide;
- 15 (52) codeine-N-oxide;
- 16 (53) cyprenorphine;
- 17 (54) desomorphine;
- 18 (55) dihydromorphine;
- 19 (56) drotebanol;
- 20 (57) etorphine;
- 21 (58) heroin (slang terms: big H, boy, brown, brown sugar,
22 caballo, Chinese red, chiva, crap, doojee, H, Harry, horse, junk,
23 Mexican mud, powder, scag, smack, stuff, thing, joy powder, white stuff,
24 sugar, hairy, skag, schmeck);
- 25 (59) hydromorphinol;
- 26 (60) methyldesorphine;
- 27 (61) methyldihydromorphine;
- 28 (62) morphine methylbromide;
- 29 (63) morphine methylsulfonate;

- 1 (64) morphine-N-oxide;
2 (65) myrophine;
3 (66) nicocodeine;
4 (67) nicomorphine;
5 (68) normorphine;
6 (69) pholcodine;
7 (70) thebacon;
8 (71) alphaprodine;
9 (72) anileridine;
10 (73) bezitramide;
11 (74) dihydrocodeine;
12 (75) diphenoxylate;
13 (76) fentanyl;
14 (77) isomethadone;
15 (78) levomethorphan;
16 (79) levorphanol;
17 (80) metazocine;
18 (81) methadone;
19 (82) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-
20 diphenyl butane;
21 (83) moramide-intermediate, 2-methyl-3-morpholino-1,
22 1-diphenylpropane-carboxylic acid;
23 (84) pethidine (meperidine);
24 (85) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperi-
25 dine;
26 (86) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-
27 carboxylate;
28 (87) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-
29 carboxylic acid;

- 1 (88) phenazocine;
2 (89) piminodine;
3 (90) racemethorphan;
4 (91) racemorphan.

5 Sec. ~~17.17.050.~~ ^B SCHEDULE II. (a) A substance shall be placed in
6 schedule II if it is found under AS 17.17.020 to have a degree of danger
7 or probable danger lower than Schedule I controlled substances but
8 higher than Schedule ~~III~~ ^C controlled substances.

9 (b) Unless specifically excepted or unless listed in another
10 schedule, Schedule ~~II~~ ^B controlled substances include any material com-
11 pound which contains any quantity of a substance listed in this subsec-
12 tion, including its salts, its isomers (whether optical, position, or
13 geometric), and the salts of its isomers whenever the existence of those
14 salts, isomers, or salts of isomers is possible within the specific
15 chemical designation, regardless of whether the listed substance is
16 produced directly or indirectly by extraction from substances of vege-
17 table origin or independently by means of chemical synthesis or by a
18 combination of extraction and chemical synthesis:

19 (1) coca leaves and any salt, compound, derivative, or pre-
20 paration of coca leaves, and any salt, compound, derivative, or prepara-
21 tion of these which is chemically equivalent or identical with any of
22 these substances, except that the substances do not include decocainized
23 coca leaves or extractions of coca leaves, which extractions do not con-
24 tain cocaine or ecgonine (slang terms: Bernice, bernies, big C, blow,
25 C, coke, dream, flake, girl, gold dust, heaven dust, nose candy, para-
26 dise, rock, white, happy dust, speedballs, snow birds, Cecil, stardust,
27 Corine, Carrie, dust, Burese);

28 (2) 4-bromo-2,5-dimethoxy-amphetamine, also known as bromo-2,
29 5-dimethoxy-a-methylphenethylamine and 4-bromo-2,5-DMA;

1 (3) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-a-
2 methylphenethylamine and 2,5-DMA;

3 (4) 4-methoxyamphetamine, also known as 4-methoxy-a-
4 methylphenethylamine and paramethoxyamphetamine, PMA;

5 (5) 5-methoxy-3,4-methylenedioxy-amphetamine;

6 (6) 4-methyl-2,5-dimethoxy-amphetamine, also known as 4-
7 methyl-2,5-dimethoxy-a-methylphenethylamine (slang terms: DOM, MDA,
8 STP, serenity, tranquility, and peace, cone drug);

9 (7) 3,4-methylenedioxy amphetamine;

10 (8) 3,4,5-trimethoxy amphetamine;

11 (9) bufotenine, also known as 3-(b-dimethylaminoethyl)-5-
12 hydroxyindole and 3-(2-dimethylaminoethyl)-5-indolol and N,N-
13 dimethylserotonin and 5-hydroxy-N,N-dimethyltryptamine and mappine;

14 (10) diethyltryptamine, also known as N,N-diethyltryptamine
15 and DET;

16 (11) dimethyltryptamine, also known as DMT (slang terms:
17 businessman's special, lunch-hour trip);

18 (12) ibogaine, also known as 7-ethyl-6,6,8,7,8,9,10,12,13-
19 octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b]
20 indole and Tabernanthe iboga;

21 (13) lysergic acid diethylamide (slang terms: Alice D, acid,
22 beast, big D, blue cheer, blue heaven, blue mist, brown dots, California
23 sunshine, chocolate chips, coffee, contact lens, cupcakes, haze, mellow
24 yellows, microdots, orange mushrooms, orange wedges, Owsley, paper acid,
25 royal blue, strawberry fields, sugar, sunshine, the hawk, wedges, white
26 lightning, window pane, yellows, cubes, 25, Lucy in the sky with dia-
27 monds);

28 (14) mescaline (slang terms: mesc, mescal, moon);

29 (15) peyote, meaning all parts of the plant presently classi-

1 fied botanically as *Lophophora williamsii* Lemaire, whether growing or
2 not, the seeds of the plant, any extract from any part of the plant, and
3 every compound, manufacture, salts, derivative, mixture, or preparation
4 of the plant, its seeds, or extracts (slang terms: buttons, cactus,
5 mescal buttons, mesc, mescal, plants);

6 (16) N-ethyl-3-piperidyl benzilate;

7 (17) N-methyl-3-piperidyl benzilate (slang term: LBJ);

8 (18) psilocybin (slang terms: magic mushroom, mushroom);

9 (19) psilocyn (slang terms: magic mushroom, mushroom);

10 (20) chemically synthesized tetrahydrocannabinols, also known
11 as THC;

12 (21) thiophene analog of phencyclidine, also known as: 1-
13 [1-(2-thienyl) cyclohexyl] piperidine and 2-thienyl analog of phencycli-
14 dine and TPCP;

15 (22) phencyclidine, also known as PCP (slang terms: angel
16 dust, DOA (Dead On Arrival), hog, killer weed (when combined with mari-
17 juana or other plant material), peace pill);

18 (23) mecloqualone;

19 (24) amphetamine, its salts, optical isomers, and salts of its
20 optical isomers (slang terms: beans, bennies, black beauties, black-
21 birds, black Mollies, bumblebees, cartweels, chalk, chicken powder,
22 copilots, crank, crossroads, crystal, dexies, double cross, eye openers,
23 hearts, jelly beans, lightning, meth, minibennies, nuggets, oranges, pep
24 pills, speed, roses, thrusters, truck drivers, turnabouts, uppers, ups,
25 wake-ups, peaches, whites, browns, greenies, bombido, jugs, bottles, lid
26 proppers, football, coast-to-coast, L.A. turnabouts);

27 (25) methamphetamine, its salts, isomers, and salts of its
28 isomers (slang terms: bombido, crystal, meth, speed, splash);

29 (26) phenmetrazine and its salts;

1 (27) methylphenidate;

2 (28) methaqualone (slang terms: ludes, quas, quads, soapers,
3 sopes);

4 (29) amobarbital (slang terms: barbs, block busters, Christ-
5 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
6 goofballs, goofs, tuinal, tuies, rainbow, double trouble, red and
7 blues);

8 (30) secobarbital (slang terms: barbs, block busters, Christ-
9 mas trees, downers, green dragons, peanuts, sleeping pills, stumblers,
10 goofballs, goofs, tuinal, tuies, rainbow, double trouble, red and blues,
11 reds, red birds, red devils, seccy, pink, seggy, pink ladies, marsh-
12 mallow reds, Mexican reds);

13 (31) pentobarbital (slang terms: barbs, block busters,
14 Christmas trees, downers, green dragons, peanuts, sleeping pills,
15 stumblers, goofballs, goofs, yellow jackets, yellows, nimbys, nimbies,
16 nobbies).

17 Sec. ~~17.17.060~~¹¹. SCHEDULE ~~III~~^C (a) A substance shall be placed in
18 Schedule ~~III~~^S if it is found under AS ~~17.17.020~~¹¹ to have a degree of
19 danger or probable danger lower than Schedule II controlled substances
20 but higher than Schedule ~~IV~~^D controlled substances.

21 (b) Unless specifically excepted or unless listed in another
22 schedule, Schedule ~~III~~^D controlled substances include any material com-
23 pound which contains any quantity of a substance listed in this subsec-
24 tion, including its salts, its isomers (whether optical, position, or
25 geometric), and the salts of its isomers whenever the existence of those
26 salts, isomers, or salts of isomers is possible within the specific
27 chemical designation, regardless of whether the listed substance is
28 produced directly or indirectly by extraction from substances of vege-
29 table origin or independently by means of chemical synthesis or by a

1 combination of extraction and chemical synthesis:

2 (1) benzphetamine;

3 (2) chlorphentermine;

4 (3) clortermine;

5 (4) mazindol;

6 (5) phendimetrazine;

7 (6) any compound, mixture, or preparation containing amobar-
8 bital, secobarbital, or pentobarbital or any salt of any of these sub-
9 stances combined with one or more other active medicinal ingredients
10 which are not listed in any classification in this section;

11 (7) any suppository dosage form containing amobarbital,
12 secobarbital, or pentobarbital or any salt of any of these substances
13 which are approved by the federal Food and Drug Administration for
14 marketing only as a suppository;

15 (8) any substance, having a depressant effect on the central
16 nervous system, which contains any quantity or derivative of barbituric
17 acid or any salt of these;

18 (9) chlorhexadol;

19 (10) glutethimide (slang terms: C.D., cibas);

20 (11) lysergic acid;

21 (12) lysergic acid amide;

22 (13) methyprylon;

23 (14) sulfondiethylmethane;

24 (15) sulfonethylmethane;

25 (16) sulfonmethane;

26 (17) nalorphine;

27 (18) any material, compound, mixture, or preparation contain-
28 ing limited quantities of any of the following substances or any of
29 their salts;

1 (A) not more than 1.8 grams of codeine per 100 milli-
2 liters or not more than 90 milligrams per dosage unit, with an
3 equal or greater quantity of an isoquinoline alkaloid of opium;

4 (B) not more than 1.8 grams of codeine per 100 milli-
5 liters or not more than 90 milligrams per dosage unit, with one or
6 more active, nonnarcotic ingredients in recognized therapeutic
7 amounts;

8 (C) not more than 300 milligrams of dihydrocodeinone per
9 100 milliliters or not more than 15 milligrams per dosage unit,
10 with a fourfold or greater quantity of an isoquinoline alkaloid of
11 opium;

12 (D) not more than 300 milligrams of dihydrocodeinone per
13 100 milliliters or not more than 15 milligrams per dosage unit,
14 with one or more active nonnarcotic ingredients in recognized
15 therapeutic amounts;

16 (E) not more than 1.8 grams of dihydrocodeine per 100
17 milliliters or not more than 90 milligrams per dosage unit, with
18 one or more active nonnarcotic ingredients in recognized thera-
19 peutic amounts;

20 (F) not more than 300 milligrams of ethylmorphine per
21 100 milliliters or not more than 15 milligrams per dosage unit,
22 with one or more active, nonnarcotic ingredients in recognized
23 therapeutic amounts;

24 (G) not more than 500 milligrams of opium per 100 milli-
25 liters or per 100 grams or not more than 25 milligrams per dosage
26 unit, with one or more active, nonnarcotic ingredients in recog-
27 nized therapeutic amounts;

28 (H) not more than 50 milligrams of morphine per 100
29 milliliters or per 100 grams, with one or more active, nonnarcotic

1 ingredients in recognized therapeutic amounts.

2 Sec. ~~17.17.070~~^D. SCHEDULE ~~IV~~^D. (a) A substance shall be placed in
3 Schedule ~~IV~~^D if it is found under AS ~~17.17.020~~^D to have a degree of danger
4 or probable danger lower than Schedule ~~III~~^D controlled substances but
5 higher than Schedule ~~V~~^E controlled substances.

6 (b) Unless specifically excepted or unless listed in another
7 schedule, Schedule IV controlled substances include any material com-
8 pound which contains any quantity of a substance listed in this subsec-
9 tion, including its salts, its isomers (whether optical, position, or
10 geometric), and the salts of its isomers whenever the existence of those
11 salts, isomers, or salts of isomers is possible within the specific
12 chemical designation, regardless of whether the listed substance is
13 produced directly or indirectly by extraction from substances of vege-
14 table origin or independently by means of chemical synthesis or by a
15 combination of extraction and chemical synthesis:

- 16 (1) barbital;
- 17 (2) chloral betaine;
- 18 (3) chloral hydrate (slang terms: knockout drops, Mickey
19 Finn, Mickey, Peter);
- 20 (4) chlordiazepoxide;
- 21 (5) clonazepam;
- 22 (6) clorazepate;
- 23 (7) diazepam;
- 24 (8) ethchlorvynol;
- 25 (9) ethinamate;
- 26 (10) flurazepam;
- 27 (11) lorazepam;
- 28 (12) mebutamate;
- 29 (13) meprobamate;

- 1 (14) methohexital;
2 (15) methylphenobarbital (mephobarbital);
3 (16) oxazepam;
4 (17) paraldehyde;
5 (18) petrichloral;
6 (19) phenobarbital;
7 (20) prazepam;
8 (21) pentazocine;
9 (22) fenfluramine;
10 (23) diethylpropion;
11 (24) phentermine;
12 (25) pemoline, including organometallic complexes and chelates
13 thereof;
14 (26) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
15 diphenyl-3-methyl-2-propionoxybutane);
16 (27) hashish and hashish oil (slang terms: black Russian,
17 hash, kif, quarter moon, soles).

18 Sec. ~~17.17.080~~¹¹ SCHEDULE ~~V~~^{IV} (a) A substance shall be placed in
19 Schedule ~~V~~^{IV} if it is found under AS 17.17.020 to have a degree of danger
20 or probable danger lower than Schedule ~~IV~~^{IV} controlled substances but
21 higher than Schedule ~~IV~~^{IV} controlled substances.

22 (b) Unless specifically excepted or unless listed in another
23 schedule, Schedule ~~V~~^{IV} controlled substances include loperamide and any
24 material compound which contains any quantity of a substance listed in
25 this subsection, including its salts, its isomers (whether optical,
26 position, or geometric), and the salts of its isomers whenever the
27 existence of those salts, isomers, or salts of isomers is possible
28 within the specific chemical designation, regardless of whether the
29 listed substance is produced directly or indirectly by extraction from

1 substances of vegetable origin or independently by means of chemical
2 synthesis or by a combination of extraction and chemical synthesis.
3 Schedule V controlled substances include the following controlled sub-
4 stances, otherwise listed in AS 17.17.040(b), when they are combined in
5 the following portions with one or more nonnarcotic active medicinal
6 ingredients in sufficient portion to confer upon the compound mixture
7 preparation valuable medicinal qualities other than those possessed by
8 the Schedule I controlled substance:

9 (1) not more than 200 milligrams of codeine per 100 milli-
10 liters or per 100 grams;

11 (2) not more than 100 milligrams of dihydrocodeine per 100
12 milliliters or per 100 grams;

13 (3) not more than 100 milligrams of ethylmorphine per 100
14 milliliters or per 100 grams;

15 (4) not more than 2.5 milligrams of diphenoxylate and not
16 less than 25 micrograms of atropine sulfate per dosage unit;

17 (5) not more than 100 milligrams of opium per 100 milliliters
18 or per 100 grams.

19 Sec. ^F~~17.17.090~~. SCHEDULE ^FVI. (a) A substance shall be placed in
20 Schedule ^FVI if it is found under AS ^F~~17.17.020~~ to have the lowest degree
21 of danger or probable danger.

22 (b) Schedule VI controlled substances include marijuana (slang
23 terms: Acapulco gold, broccoli, bush, dry high, gage, ganga, grass,
24 griffo, hay, hemp, herb, J, Jay, Jane, Mary Jane, mota, mutah, Panama
25 red, pod, pot, reefer, sativa, smoke, stick, tea, weed, stuff, rope,
26 joints, Texas tea, goof butt, jive, sweet lunch, stinkweed, locoweed,
27 mezz, Mary Waner, Indian hay, fu, bobo bush).

28 ^{//} ARTICLE 2. OFFENSES AND PENALTIES.

29 ^{//} Sec. ~~17.17.200~~. DISTRIBUTING A CONTROLLED SUBSTANCE TO A MINOR.

1 (a) Except as authorized in this chapter, it is unlawful for a person
2 knowingly to distribute a controlled substance to a minor who is at
3 least three years his junior.

4 (b) A person who violates this section with respect to

5 (1) a Schedule I controlled substance is guilty of a class ..
6 felony;

7 (2) a Schedule II controlled substance is guilty of a class A
8 felony;

9 (3) a Schedule III controlled substance is guilty of a class
10 A felony;

11 (4) a Schedule IV controlled substance is guilty of a class B
12 felony;

13 (5) a Schedule V controlled substance is guilty of a class C
14 felony;

15 (6) a Schedule VI controlled substance is guilty of a class C
16 felony.

17 Sec. 17.17.210. MANUFACTURING. (a) Except as authorized in this
18 chapter, it is unlawful for a person knowingly to manufacture a con-
19 trolled substance.

20 (b) A person who violates this section with respect to

21 (1) a Schedule ~~A~~ controlled substance is guilty of a class A
22 felony;

23 (2) a Schedule ~~B~~ controlled substance is guilty of a class A
24 felony;

25 (3) a Schedule ~~II~~ controlled substance is guilty of a class
26 B felony;

27 (4) a Schedule ~~IV~~ controlled substance is guilty of a class B
28 felony;

29 (5) a Schedule ~~V~~ controlled substance is guilty of a class C

1 felony;

2 (6) a Schedule ~~F~~ controlled substance is guilty of a class C
3 felony.

4 Sec. ~~17.17.220~~¹¹. DISTRIBUTING A SCHEDULE ~~I~~⁴ CONTROLLED SUBSTANCE.

5 (a) Except as authorized in this chapter, it is unlawful for a person
6 knowingly to distribute a Schedule I controlled substance.

7 (b) A person is guilty of a class A felony if he violates this
8 section by knowingly distributing

9 (1) 50 or more capsules, tablets, ampules, or syrettes con-
10 taining a Schedule I controlled substance; or

11 (2) one or more preparations, compounds, mixtures, or sub-
12 stances of an aggregate weight of

13 (A) one-eighth ounce or more containing heroin or mor-
14 phine or any of their respective alkaloids or salts; or

15 (B) one-half ounce or more containing a Schedule I
16 controlled substance other than heroin or morphine or any of their
17 respective alkaloids or salts.

18 (c) A person is guilty of a class B felony if he violates this
19 section by knowingly distributing a Schedule I controlled substance in a
20 smaller amount than the ranges specified in (b) of this section.

21 Sec. ~~17.17.230~~¹¹. DISTRIBUTING A SCHEDULE ~~I~~^B CONTROLLED SUBSTANCE.

22 (a) Except as authorized in this chapter, it is unlawful for a person
23 knowingly to distribute a Schedule ~~I~~^B controlled substance.

24 (b) A person is guilty of a class A felony if he violates this
25 section by knowingly distributing

26 (1) 50 or more capsules, tablets, ampules, or syrettes con-
27 taining a Schedule ~~I~~^B controlled substance; or

28 (2) one or more preparations, compounds, mixtures, or sub-
29 stances of an aggregate weight or one-half ounce or more containing a

1 Schedule ^b~~II~~ controlled substance.

2 (c) A person is guilty of a class B felony if he violates this
3 section by knowingly distributing a Schedule ^b~~II~~ controlled substance in
4 a smaller amount than the ranges specified in (b) of this section.

5 Sec. ¹¹~~17.17~~.240. DISTRIBUTING A SCHEDULE ^c~~III~~ CONTROLLED SUBSTANCE.

6 (a) Except as authorized in this chapter, it is unlawful for a person
7 knowingly to distribute a Schedule ~~III~~ controlled substance.

8 (b) A person is guilty of a class B felony if he violates this
9 section by knowingly distributing

10 (1) 50 or more capsules, tablets, ampules, or syrettes con-
11 taining a Schedule ~~III~~ controlled substance; or

12 (2) one or more preparations, compounds, mixtures, or sub-
13 stances of an aggregate weight of one-half ounce or more containing a
14 Schedule III controlled substance.

15 (c) A person is guilty of a class C felony if he violates this
16 section by knowingly distributing a Schedule ~~III~~ controlled substance in
17 a smaller amount than the ranges specified in (b) of this section.

18 Sec. ¹¹~~17.17~~.250. DISTRIBUTING A SCHEDULE IV CONTROLLED SUBSTANCE.

19 (a) Except as authorized in this chapter, it is unlawful for a person
20 knowingly to distribute a Schedule ^b~~IV~~ controlled substance.

21 (b) A person is guilty of a class C felony if he violates this
22 section by knowingly distributing

23 (1) 50 or more capsules, tablets, ampules, or syrettes con-
24 taining a Schedule IV controlled substance; or

25 (2) one or more preparations, compounds, mixtures, or sub-
26 stances of an aggregate weight of one-half ounce or more containing a
27 Schedule IV controlled substance.

28 (c) A person who violates this section by knowingly distributing a
29 Schedule IV controlled substance in a smaller amount than the ranges

1 specified in (b) of this section is guilty of a class C felony and is
2 punishable as provided in AS 12.55 except that a term of imprisonment,
3 if imposed, may not exceed three years and a fine, if imposed, may not
4 exceed \$10,000.

5 Sec. ~~17.17.260~~¹¹. DISTRIBUTING A SCHEDULE ~~V~~^E CONTROLLED SUBSTANCE.

6 (a) Except as authorized in this chapter, it is unlawful for a person
7 knowingly to distribute a Schedule V controlled substance.

8 (b) A person who violates this section by knowingly distributing
9 (1) 50 or more capsules or tablets containing a Schedule ~~V~~^E controlled
10 substance or (2) one or more preparations, compounds, mixtures, or
11 substances of an aggregate weight of one-half ounce or more containing a
12 Schedule ~~V~~^E controlled substance is guilty of a class C felony and is
13 punishable as provided in AS 12.55 except that a term of imprisonment,
14 if imposed, may not exceed three years and a fine, if imposed, may not
15 exceed \$10,000.

16 (c) A person who violates this section by knowingly distributing a
17 Schedule ~~V~~^E controlled substance in a smaller amount than the ranges
18 specified in (b) of this section is guilty of a class A misdemeanor.

19 Sec. ~~17.17.270~~¹¹. DISTRIBUTING A SCHEDULE ~~VI~~^F CONTROLLED SUBSTANCE.

20 (a) Except as authorized in this chapter, it is unlawful for a person
21 knowingly to distribute a Schedule ~~VI~~^F controlled substance.

22 (b) A person is guilty of a class C felony if he violates this
23 section by knowingly distributing one or more preparations, compounds,
24 mixtures, or substances of an aggregate weight of 2.2 pounds or more
25 containing a Schedule ~~VI~~^F controlled substance.

26 (c) A person who violates this section by knowingly distributing
27 one or more preparations, compounds, mixtures, or substances of an
28 aggregate weight of one-half pound or more but less than 2.2 pounds
29 containing a Schedule ~~VI~~^F controlled substance is guilty of a class C

1 felony and is punishable as provided in AS 12.55 except that a term of
2 imprisonment, if imposed, may not exceed three years and a fine, if
3 imposed, may not exceed \$10,000.

4 (d) A person is guilty of a class A misdemeanor if he violates
5 this section by knowingly distributing one or more preparations, com-
6 pounds, mixtures, or substances of an aggregate weight of less than
7 one-half pound containing a Schedule ~~VI~~^F controlled substance. However,
8 in a prosecution under this subsection, it is a defense which reduces
9 the crime to a class B misdemeanor that the preparations, compounds,
10 mixtures, or substances containing a Schedule ~~VI~~^F controlled substance
11 were of an aggregate weight of one ounce or less and that the distribu-
12 tion was made for no remuneration to a person 18 years of age or older.
13 As used in this subsection, "defense" has the meaning ascribed to it in
14 AS 11.81.900(b).

15 Sec. ~~17.17~~¹¹.280. POSSESSION OF A SCHEDULE ~~A~~ CONTROLLED SUBSTANCE.

16 (a) Except as authorized in this chapter, it is unlawful for a person
17 knowingly to possess a Schedule ~~A~~ controlled substance.

18 (b) A person is guilty of a class A felony if he violates this
19 section by knowingly possessing

20 (1) 100 or more capsules, tablets, ampules, or syrettes
21 containing a Schedule I controlled substance; or

22 (2) one or more preparations, compounds, mixtures, or sub-
23 stances of an aggregate weight of

24 (A) one ounce or more containing heroin or morphine or
25 any of their respective alkaloids or salts; or

26 (B) two ounces or more containing a Schedule I con-
27 trolled substance other than heroin or morphine or any of their
28 respective alkaloids or salts.

29 (c) A person is guilty of a class B felony if he violates this

1 section by knowingly possessing

2 (1) 50 or more but fewer than 100 capsules, tablets, ampules,
3 or syrettes containing a Schedule ~~A~~ controlled substance; or

4 (2) one or more preparations, compounds, mixtures, or sub-
5 stances of an aggregate weight of

6 (A) one-fourth ounce or more but less than one ounce
7 containing heroin or morphine or any of their respective alkaloids
8 or salts; or

9 (B) one-half ounce or more but less than two ounces
10 containing a Schedule I controlled substance other than heroin or
11 morphine or any of their respective alkaloids or salts.

12 (d) A person is guilty of a class C felony if he violates this
13 section by knowingly possessing

14 (1) 25 or more but fewer than 50 capsules, tablets, ampules,
15 or syrettes containing a Schedule I controlled substance; or

16 (2) one or more preparations, compounds, mixtures, or sub-
17 stances of an aggregate weight of

18 (A) one-eighth ounce or more but less than one-fourth
19 ounce containing herion or morphine or any of their respective
20 alkaloids or salts; or

21 (B) one-fourth ounce or more but less than one-half
22 ounce containing a Schedule I controlled substance other than
23 heroin or morphine or any of their respective alkaloids or salts.

24 (e) A person is guilty of a class A misdemeanor if he violates
25 this section by knowingly possessing a Schedule I controlled substance
26 in a smaller amount than the ranges specified in (d) of this section.

27 Sec. ¹¹~~17~~.17.290. POSSESSION OF A SCHEDULE ~~I~~ CONTROLLED SUBSTANCE.

28 (a) Except as authorized in this chapter, it is unlawful for a person
29 knowingly to possess a Schedule ~~I~~ controlled substance.

1 (b) A person is guilty of a class A felony if he violates this
2 section by knowingly possessing

3 (1) 200 or more capsules, tablets, ampules, or syrettes
4 containing a Schedule ~~IV~~ controlled substance; or

5 (2) one or more preparations, compounds, mixtures, or sub-
6 stances of an aggregate weight of two ounces or more containing a
7 Schedule ~~IV~~ controlled substance.

8 (c) A person is guilty of a class B felony if he violates this
9 section by knowingly possessing

10 (1) 100 or more but fewer than 200 capsules, tablets, ampules,
11 or syrettes containing a Schedule ~~IV~~ controlled substance; or

12 (2) one or more preparations, compounds, mixtures, or sub-
13 stances of an aggregate weight of one-half ounce or more but less than
14 two ounces containing a Schedule ~~IV~~ controlled substance.

15 (d) A person is guilty of a class C felony if he violates this
16 section by knowingly possessing

17 (1) 50 or more but fewer than 100 capsules, tablets, ampules,
18 or syrettes containing a Schedule ~~IV~~ controlled substance; or

19 (2) one or more preparations, compounds, mixtures, or sub-
20 stances of an aggregate weight of one-fourth ounce or more but less than
21 one-half ounce containing a Schedule ~~IV~~ controlled substance.

22 (e) A person is guilty of a class A misdemeanor if he violates
23 this section by knowingly possessing a Schedule II controlled substance
24 in a smaller amount than the ranges specified in (d) of this section.

25 Sec. ~~17.17.300~~. POSSESSION OF A SCHEDULE ~~III~~ CONTROLLED SUBSTANCE.

26 (a) Except as authorized in this chapter, it is unlawful for a person
27 knowingly to possess a Schedule ~~III~~ controlled substance.

28 (b) A person is guilty of a class B felony if he violates this
29 section by knowingly possessing

1 (1) 400 or more capsules, tablets, ampules, or syrettes
2 containing a Schedule ~~III~~^C controlled substance; or

3 (2) one or more preparations, compounds, mixtures, or sub-
4 stances of an aggregate weight of two ounces or more containing a
5 Schedule III controlled substance.

6 (c) A person is guilty of a class C felony if he violates this
7 section by knowingly possessing

8 (1) 100 or more but fewer than 400 capsules, tablets, ampules,
9 or syrettes containing a Schedule ~~III~~^C controlled substance; or

10 (2) one or more preparations, compounds, mixtures, or sub-
11 stances of an aggregate weight of one-half ounce or more but less than
12 two ounces containing a Schedule ~~III~~^C controlled substance.

13 (d) A person is guilty of a class A misdemeanor if he violates
14 this section by knowingly possessing a Schedule ~~III~~^C controlled substance
15 in a smaller amount than the ranges specified in (c) of this section.

16 Sec. ~~17.17.310~~^{17.17.310}. POSSESSION OF A SCHEDULE ~~IV~~^D CONTROLLED SUBSTANCE.

17 (a) Except as authorized in this chapter, it is unlawful for a person
18 knowingly to possess a Schedule ~~IV~~^D controlled substance.

19 (b) A person is guilty of a class C felony if he violates this
20 section by knowingly possessing

21 (1) 400 or more capsules, tablets, ampules, or syrettes
22 containing a Schedule ~~IV~~^D controlled substance; or

23 (2) one or more preparations, compounds, mixtures, or sub-
24 stances of an aggregate weight of two ounces or more containing a
25 Schedule ~~IV~~^D controlled substance.

26 (c) A person who violates this section by knowingly possessing (1)
27 100 or more but fewer than 400 capsules, tablets, ampules, or syrettes
28 containing a Schedule IV controlled substance or (2) one or more pre-
29 parations, compounds, mixtures, or substances of an aggregate weight of

1 one-half ounce or more but less than two ounces containing a Schedule ~~IV~~^D
2 controlled substance is guilty of a class C felony and is punishable as
3 provided in AS 12.55 except that a term of imprisonment, if imposed, may
4 not exceed three years and a fine, if imposed, may not exceed \$10,000.

5 (d) A person is guilty of a class A misdemeanor if he violates
6 this section by knowingly possessing a Schedule ~~IV~~^D controlled substance
7 in a smaller amount than the ranges specified in (c) of this section.

8 Sec. ~~17~~¹¹.17.320. POSSESSION OF A SCHEDULE ~~V~~^F CONTROLLED SUBSTANCE.

9 (a) Except as authorized in this chapter, it is unlawful for a person
10 knowingly to possess a Schedule ~~V~~^F controlled substance.

11 (b) A person who violates this section by knowingly possessing (1)
12 400 or more capsules or tablets containing a Schedule ~~V~~^F controlled
13 substance or (2) one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of one ounce or more containing a
15 Schedule ~~V~~^F controlled substance is guilty of a class C felony and is
16 punishable as provided in AS 12.55 except that a term of imprisonment,
17 if imposed, may not exceed three years and a fine, if imposed, may not
18 exceed \$10,000.

19 (c) A person is guilty of a class A misdemeanor if he violates
20 this section by knowingly possessing a Schedule ~~IV~~^D controlled substance
21 in a smaller amount than the ranges specified in (b) of this section.

22 Sec. ~~17~~¹⁴.17.330. POSSESSION OF LARGE AMOUNTS OF A SCHEDULE ~~VI~~^F
23 CONTROLLED SUBSTANCE. (a) Except as authorized in this chapter, it is
24 unlawful for a person knowingly to possess one or more preparations,
25 compounds, mixtures, or substances of an aggregate weight of one pound
26 or more containing a Schedule ~~VI~~^F controlled substance.

27 (b) A person who violates this section by knowingly possessing one
28 or more preparations, compounds, mixtures, or substances of an aggregate
29 weight of 2.2 pounds or more containing a Schedule ~~VI~~^F controlled sub-

1 stance is guilty of a class C felony and is punishable as provided in
2 AS 12.55 except that a term of imprisonment, if imposed, may not exceed
3 three years and a fine, if imposed, may not exceed \$10,000.

4 (c) A person is guilty of a class A misdemeanor if he violates
5 this section by knowingly possessing one or more preparations, com-
6 pounds, mixtures, or substances of an aggregate weight of one pound or
7 more but less than 2.2 pounds containing a Schedule ~~VI~~^F controlled sub-
8 stance.

9 ¹¹ Sec. ~~17~~.17.340. POSSESSION OF A SCHEDULE ~~VI~~^F CONTROLLED SUBSTANCE
10 WHILE OPERATING A MOTOR VEHICLE, VESSEL, OR AIRCRAFT. (a) It is unlaw-
11 ful for a person to operate a motor vehicle, vessel, or aircraft with
12 any amount of a Schedule ~~VI~~^F controlled substance in his immediate
13 control.

14 (b) A person who violates this section is guilty of a class B
15 misdemeanor.

16 ¹¹ Sec. ~~17~~.17.350. PUBLIC DISPLAY OR USE OF A SCHEDULE ~~VI~~^F CONTROLLED
17 SUBSTANCE. (a) It is unlawful for a person to display or use any
18 amount of a Schedule ~~VI~~^F controlled substance in a public place. As used
19 in this subsection, "public place" has the meaning ascribed to it in
20 AS 11.81.900(b).

21 (b) A person who violates this section is guilty of a violation.

22 ¹¹ Sec. ~~17~~.17.360. POSSESSION OF A SCHEDULE ~~VI~~^F CONTROLLED SUBSTANCE
23 BY A MINOR. (a) It is unlawful for a minor knowingly to possess any
24 amount of a Schedule ~~VI~~^F controlled substance.

25 (b) A person who violates this section is guilty of a violation.

26 ¹¹ Sec. ~~17~~.17.370. FAILURE TO MAKE, KEEP, OR FURNISH REQUIRED INFOR-
27 MATION. (a) Except as authorized in this chapter, it is unlawful for a
28 person knowingly to refuse or fail to make, keep, or furnish a record,
29 notification, order form, statement, invoice, or information required

Maybe in both 11/17

1 under this chapter.

2 (b) A person who violates this section is guilty of a class B
3 misdemeanor.

4 → Sec. 17.17.380. MISCELLANEOUS OFFENSES. (a) Except as authorized
5 in this chapter, it is unlawful for a person

6 (1) knowingly to keep or maintain a store, shop, warehouse,
7 dwelling, building, vehicle, vessel, aircraft, or other structure or
8 place which is used for keeping or selling controlled substances in
9 violation of this chapter;

10 (2) to use in the course of the manufacture or distribution
11 of a controlled substance a registration number which is fictitious,
12 revoked, suspended, or issued to another person;

13 (3) to obtain possession of a controlled substance by mis-
14 representation, fraud, forgery, or other deception;

15 (4) to make, distribute, or possess a punch, die, plate,
16 stone, or other thing designed to print, imprint, or reproduce the
17 trademark, trade name, or other identifying mark, imprint, or device of
18 another or any likeness of any of the foregoing upon a drug or container
19 or labeling so as to render a drug a counterfeit substance;

20 (5) to furnish false or fraudulent material information in,
21 or omit material information from, an application, report, record, or
22 other document required to be kept or filed under this chapter.

23 (b) A person who violates this section is guilty of a class C
24 felony.

25 Sec. ~~17~~¹¹ 17.390. LIMITATION ON PRESUMPTIVE SENTENCING. If, in a
26 prosecution under AS 17.17.250(c), 17.17.260(b), 17.17.270(c), 17.17.-
27 310(c), 17.17.320(b), or 17.17.330(b), a defendant is subject to presump-
28 tive sentencing under AS 12.55.125(e), the presumptive term to which he
29 is subject may not be adjusted so as to result in a term of imprisonment

1 of more than three years.

2 Sec. ~~17~~¹¹.17.400. OFFENSES DEFINED BY AMOUNTS. Whenever a provision
3 of this chapter defining an offense requires a determination of an
4 amount, it is not a defense to the lowest class of offense established
5 by the evidence that the amount in question was larger than the amount
6 which would make the offense a higher class of offense, and a person may
7 be charged and convicted accordingly.

8 Sec. ~~17~~¹¹.17.410. PENALTIES UNDER OTHER LAWS. A penalty imposed for
9 a violation of this chapter is in addition to, and not in place of, a
10 civil or administrative penalty or sanction otherwise authorized by law.

11 Sec. ~~17~~¹¹.17.420. BAR TO PROSECUTION. If a violation of this chapter
12 is a violation of a federal law or the law of another state, a convic-
13 tion or acquittal under federal law or the law of another state for the
14 same conduct is a bar to prosecution in this state.

15 ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION,
16 AND DISPENSING OF CONTROLLED SUBSTANCES.

17 Sec. 17.17.550. REGULATIONS. The ~~commissioner~~^{Board of Med} shall adopt regu-
18 lations under the Administrative Procedure Act (AS 44.62) which are
19 necessary for the administration of AS 17.17.550 - 17.17.610 and may
20 charge reasonable fees relating to the registration and control of the
21 manufacture, distribution, and dispensing of controlled substances in
22 this state.

23 Sec. 17.17.560. REGISTRATION REQUIREMENTS. (a) A person who
24 manufactures, distributes, or dispenses ^{any} a controlled substance in this
25 state or who proposes to engage in the manufacture, distribution, or
26 dispensing of a controlled substance in this state, shall annually
27 register with the ~~commissioner~~^{Board of Med} in accordance with regulations adopted
28 under AS 17.17.550.

29 (b) A person registered by the ~~commissioner~~^{Board of Med} under AS 17.17.550 .

1 17.17.610 to manufacture, distribute, or dispense controlled substances,
2 including any such activity in the conduct of research, may possess,
3 manufacture, distribute, or dispense those substances to the extent
4 authorized by his registration and in conformity with the other pro-
5 visions of AS 17.17.550 - 17.17.610.

6 (c) The following persons need not register and may lawfully
7 possess controlled substances under this chapter:

8 (1) an agent or employee of a registered manufacturer, dis-
9 tributor, or dispenser of a controlled substance if the possession is
10 incidental to the agent's or employee's acting in the usual course of
11 business or employment; *Sampling of e.s.*

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

15 (3) a person in possession of a controlled substance under an
16 order of a registered practitioner.

17 (d) The *B.L. Phey* commissioner may, by regulation, waive the requirement for
18 registration of certain manufacturers, distributors, or dispensers if *the Board*
19 finds it consistent with the public health and safety,

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

23 (f) The *Board* commissioner may inspect the establishment of a registrant
24 or applicant for registration in accordance with ^{his} regulations.

25 Sec. 17.17.570. REGISTRATION. (a) The *Board* commissioner shall register
26 an applicant to manufacture, distribute, or dispense controlled sub-
27 stances included in the schedules in AS ^{17.17.040 - 17.17.090} ~~17.17.040 - 17.17.090~~ unless he
28 finds that the registration would be inconsistent with the public inter-
29 est. In determining the public interest, the ^{Board} commissioner shall consider

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

4 (2) compliance with applicable state and local law;

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

7 (4) past experience in the manufacture or distribution of
8 controlled substances, and the existence in the applicant's establish-
9 ment of effective controls against diversion;

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

12 (6) suspension or revocation of the applicant's federal
13 registration to manufacture, distribute, or dispense controlled sub-
14 stances as authorized by federal law; and

15 (7) any other factors relevant to the public health and
16 safety.

17 (b) A practitioner registered under federal law to manufacture,
18 distribute, or dispense controlled substances in the conduct of research
19 may be issued a registration to manufacture, distribute, or dispense
20 those substances in the conduct of research in this state upon furnish-
21 ing the ~~commissioner~~ ^{Board} with evidence of the federal registration. *if*

auth to conduct research or dispense in the

22 (c) Compliance by a manufacturer or distributor with the pro-
23 visions of the federal law respecting registration, excluding fees,
24 entitles him to be registered under this chapter.

25 Sec. 17.17.580. REVOCATION AND SUSPENSION OF REGISTRATION. (a) A
26 registration under AS 17.17.570 to manufacture, distribute, or dispense
27 a controlled substance may be suspended or revoked by the ~~commissioner~~ ^{Board}
28 upon a finding that the registrant

OR EXEMPTION FROM REGISTRATION

29 (1) has furnished false or fraudulent material information in

1 an application filed under this chapter;

2 (2) has been convicted of a felony under state or federal law
3 relating to a controlled substance; or

4 (3) has had his federal registration to manufacture, dis-
5 tribute, or dispense controlled substances suspended or revoked.

6 (b) ^{Bd} The ~~commissioner~~ may limit the revocation or suspension of a
7 registration to the particular contro'led substance with respect to
8 which grounds for revocation or suspension exist.

9 (c) If the ^{Bd} ~~commissioner~~ suspends or revokes a registration, all
10 controlled substances owned or possessed by the registrant at the time
11 of suspension or the effective date of the revocation order may be
12 placed under seal. A disposition may not be made of substances under
13 seal until the time for taking an appeal has elapsed or until all appeals
14 have been concluded unless a court, upon application, orders the sale of
15 perishable substances and the deposit of the proceeds of the sale with
16 the court. Upon a revocation order becoming final, all controlled
17 substances are forfeited to the state.

18 (d) The ^{Bd} ~~commissioner~~ shall promptly notify the Drug Enforcement
19 Administration of all orders suspending or revoking registration and all
20 forfeitures of controlled substances.

21 ^{Procedure for Denial, Suspension or Revocation of Reg.}
22 Sec. 17.17.590. ORDER TO SHOW CAUSE. (a) Before denying, sus-
23 pending or revoking a registration, or refusing a renewal of registra-
24 tion, the ^{Bd} ~~commissioner~~ shall serve upon the applicant or registrant an
25 order to show cause why registration should not be denied, revoked, or
26 suspended, or why the renewal should not be refused. The order to show
27 cause shall contain a statement of the basis for it and shall call upon
28 the applicant or registrant to appear before the ^{Bd} ~~commissioner~~ at a time
29 and place not less than 30 days after the date of the service of the
order, but in the case of a refusal of renewal of registration the show

1 cause order shall be served not later than 30 days before the expiration
2 of the registration. These proceedings shall be conducted under the
3 administrative adjudication provisions of the Administrative Procedure
4 Act (AS 44.62.330 - 44.62.630) without regard to criminal prosecution or
5 other proceeding. [Proceedings to refuse renewal of registration do not
6 abate the existing registration, which remains in effect pending the
7 outcome of the administrative hearing.]

8 (b) The ~~commissioner~~ Bd may, without an order to show cause, suspend
9 a registration simultaneously with the institution of proceedings under
10 AS 17.17.580 if ~~he~~ ^{it} finds that there is an imminent danger to the public
11 health or safety which warrants this action. The suspension shall
12 continue in effect until the conclusion of the proceedings, including
13 judicial review of the proceedings, unless sooner withdrawn by the
14 ~~commissioner~~ Bd or dissolved by a court of competent jurisdiction.

15 Sec. 17.17.600. RECORDS OF REGISTRANTS. A person registered/^{over exempted} to ^{from Reg}
16 manufacture, distribute, or dispense/^{or administer,} controlled substances under this
17 chapter shall keep records and maintain inventories in conformance with
18 the record-keeping and inventory requirements of federal law and with
19 additional regulations the ~~commissioner~~ Bd may adopt.

20 Sec. 17.17.610. ORDER FORMS; PRESCRIPTIONS. (a) A controlled
21 substance may be distributed by one registrant to another registrant
22 only if the distribution is in accordance with federal requirements for
23 order forms.

24 (b) A controlled substance may not be dispensed by a practitioner
25 except in accordance with federal requirements regarding prescriptions
26 for controlled substances; however, a controlled substance may be dis-
27 pensed directly by a practitioner, other than a pharmacist, to an ulti-
28 mate user without a prescription, ^{in conformance with applicable}

29 ARTICLE 4. ENFORCEMENT AND ADMINISTRATION. ^{Labeling Reg.}

Different Wording

1 Sec. 17.17.750. ENFORCEMENT COOPERATION. It is the duty of the
2 commissioner of public safety, officers of the division of state
3 troopers, officers appointed to enforce criminal law in this state or
4 another state, local government law enforcement officers, the attorney,
5 general, and all prosecuting attorneys to enforce all provisions of this
6 chapter and to cooperate with agencies charged with enforcement of the
7 laws relating to controlled substances of the United States, of this
8 state, and of all other states.

9 Sec. 17.17.760. ^{SEIZURE} FORFEITURES. (a) The following are subject to
10 forfeiture:

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

13 (2) raw materials, products, and equipment which are used in
14 manufacturing, ^{by compounding} or distributing a controlled substance in violation of
15 this chapter;

16 (3) property which is used as a container for property des-
17 cribed in (1) or (2) of this subsection;

18 (4) conveyances, including aircraft, vehicles, or vessels
19 which are used to transport or in any manner to facilitate transporta-
20 tion of property described in (1) or (2) of this subsection for the
21 purpose of sale or receipt, except

22 (A) a conveyance is not subject to forfeiture under this
23 section if its use in violation of this chapter was committed by a
24 person other than the owner of the conveyance and the owner was not
25 privy to the violation;

26 (B) a forfeiture of a conveyance encumbered by a bona
27 fide security interest at the time of seizure is subject to the
28 interest of the secured party if its use in violation of this
29 chapter was committed by a person other than the secured party and

1 the secured party was not privy to the violation;

2 (5) all books, records, and research products and materials,
3 including formulas, microfilm, tapes, and data which are used in viola-
4 tion of this chapter.

5 (b) Property listed in (a) of this section may be forfeited to the
6 state upon conviction of the defendant of a violation of this chapter or
7 upon judgment of a court of competent jurisdiction in a civil proceeding
8 in rem that an item is subject to forfeiture.

9 (c) Property subject to forfeiture under this section may be
10 seized by the commissioner of public safety upon an order issued by the
11 court having jurisdiction over the property upon a showing of probable
12 cause that the property is subject to forfeiture. Seizure without a
13 court order may be made if

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

16 (2) the property subject to seizure has been the subject of a
17 prior judgment in favor of the state in a criminal proceeding or a civil
18 proceeding in rem based upon this chapter;

19 (3) there is probable cause that the property was or is being
20 used in violation of this chapter and the property is easily movable.

21 (d) Property seized under (c)(3) of this section may not be held
22 over 48 hours or until an order may be applied for and issued by a
23 court, whichever is earlier.

24 (e) Property seized or detained under this section is in the
25 custody of the Department of Public Safety subject only to the orders
26 and decrees of the court having jurisdiction over the forfeiture pro-
27 ceedings. If property is seized under this section, the Department of
28 Public Safety may

29 (1) place the property under seal;

PAGE 36

MISSING FROM
FILE